To my friend,

Roscoe R. Hill,

in token of appreciation for double assistance in preparing this book for the press.

[illegible]

Dec. 1866.

ALBERT SHAW LECTURES ON DIPLOMATIC HISTORY

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THE WEST FLORIDA CONTROVERSY, 1798-1813

THE ALBERT SHAW LECTURES ON DIPLOMATIC HISTORY

By the liberality of Albert Shaw, Ph.D., of New York City, the Johns Hopkins University has been enabled to provide an annual course of lectures on Diplomatic History. The lectures are included in the regular work of the Department of History and are published under the direction of Professor John H. Latané.

THE ALBERT SHAW LECTURES ON
DIPLOMATIC HISTORY, 1912

THE WEST FLORIDA CONTROVERSY, 1798-1813

A STUDY IN AMERICAN DIPLOMACY

BY

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ASSOCIATE PROFESSOR OF HISTORY, UNIVERSITY OF CINCINNATI

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TO MY MOTHER

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PREFACE

It is to be hoped that the title, scope, and subject-matter of this study will be self-explanatory, and that the notes will prove clear and detailed enough to supply the place of a formal bibliography. But neither text nor notes show definitely my indebtedness to the courteous and efficient aid of a number of individuals who have assisted in gathering material for the volume and in preparing it for the press. To most of these persons I can render only a general acknowledgment; of a few I must make special mention.

No detailed study such as is here attempted would be possible were it not for the series of helpful guides published during the last ten years by the Carnegie Institution of Washington. In addition to these printed aids, I have had access to the notes, cards, and manuscript reports belonging to the Bureau of Historical Research of that institution, and have been furnished with extensive excerpts from these sources, and with proof sheets of reports in process of publication. For these and many other evidences of helpful interest in my work, I wish to express my personal thanks to the director of the Bureau, Dr. J. Franklin Jameson, and to his efficient associate, Mr. Waldo G. Leland.

While working over the *Papeles Procedentes de*

Cuba, in the Archivo General at Seville, I experienced the usual courteous attention and assistance of Señor Don Pedro Torres Lanzas, the chief of the archive, and of the assistant chief, the late Señor Don José González Verger. It was also my good fortune to meet there Professor Roscoe R. Hill, now of the University of New Mexico, who was then engaged in preparing for the Carnegie Institution his monumental "Descriptive Catalogue" of the *Papeles . . . de Cuba.* By making use of Mr. Hill's notes, which he freely turned over to me, I was able to avoid much unnecessary labor in what proved the most fertile collection of material for my purpose and also to make my search infinitely more fruitful. Moreover, Mr. Hill has made me doubly his debtor by reading the proofs of the present work.

Several volumes of transcripts from the *Papeles* are to be found in the State Department of Archives and History at Jackson, Mississippi. It was my privilege to examine these before going abroad, with the aid of Mr. J. A. Robertson's valuable "List of Documents" (also published by the Carnegie Institution), and to find that this preliminary work measurably curtailed my labors at Seville. Moreover, the depository at Jackson contains the original letter books of Governor W. C. C. Claiborne and other valuable documentary sources for the territorial period of Mississippi history. The letter books, in part duplicated at Washington, have recently been edited and published

by the director of the Department, Dr. Dunbar Rowland. This timely publication, of more than local significance, will readily supplement my references to the manuscript sources. In addition to courteous assistance in his own Department, I am also indebted to Dr. Rowland for many practical suggestions regarding the local archives in his vicinity.

To the keepers of these archives, and to the officials in charge of other local, state, and national repositories, including the archives of the State and War departments at Washington and the manuscript collections in the Library of Congress, space forbids more than a general acknowledgment. But I wish to reiterate the customary expression of obligation that a growing list of American scholars gladly render to these helpful and courteous custodians. In the same manner I must express my indebtedness to the officials of historical societies, and to numerous private individuals, who have opened their libraries and manuscript collections to me in unstinted measure. For the archives at Washington, the guides prepared by Messrs. Van Tyne and Leland and D. W. Parker for the Carnegie Institution were very helpful.

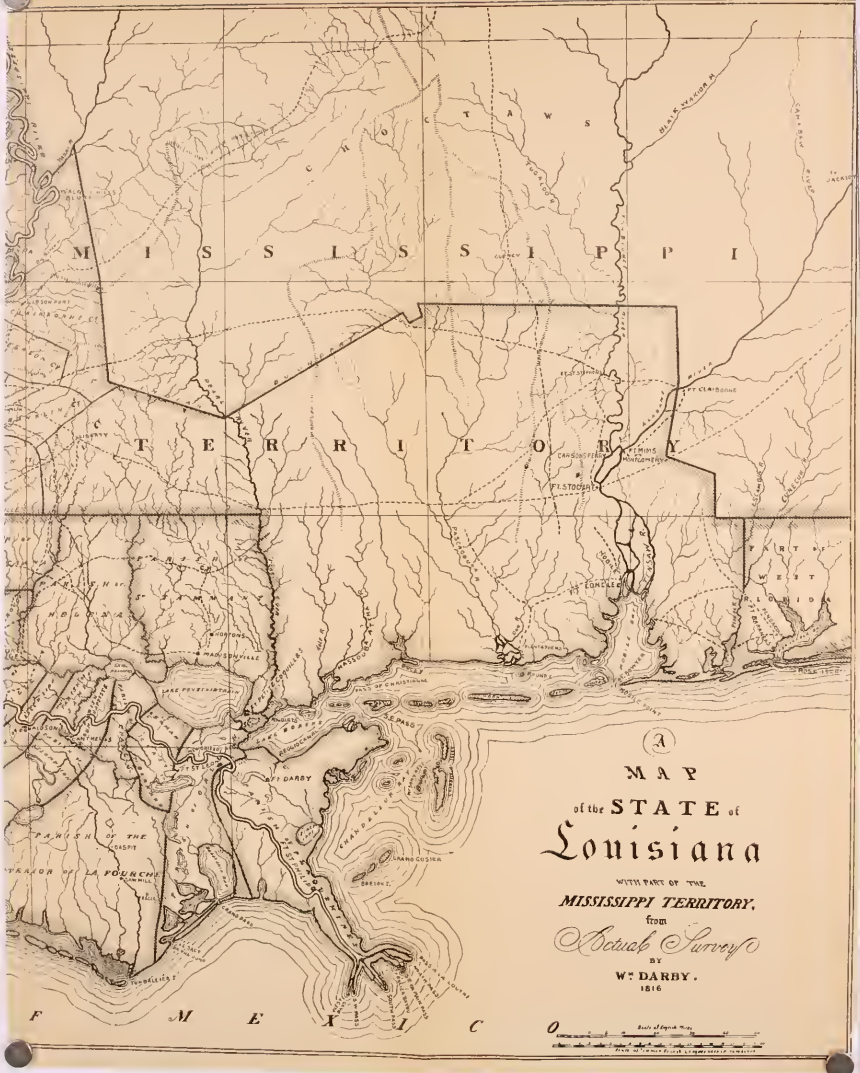
The guide of Messrs. Paullin and Paxson, or rather notes prepared for their guide, afforded me a serviceable survey of the collections in the British Public Record Office. The notes of Mr. Leland rendered the diplomatic correspondence in the Archives des Affaires Étrangères at Paris immediately available.

Professor W. R. Shepherd's guide was of assistance in the Archivo Historico Nacional at Madrid. At all these archives the officials in charge gave substantial aid, but I must mention in particular the helpfulness of Señor Don Ignacio Olavide, who was temporarily in charge of the Archivo Historico Nacional at the time of my visit there.

The preparation of this book is due in a peculiar manner to the cooperation of three universities. The greater part of the necessary research was carried on during a leave of absence from the University of Cincinnati. Subsidies afforded by a Harrison Research Fellowship at the University of Pennsylvania and the Albert Shaw Lectureship at Johns Hopkins University enabled me to employ this leisure most advantageously. My colleagues, Professor Merrick Whitcomb, Dr. Reginald C. McGrane, and Professor Clyde W. Park, have still further exemplified this spirit of academic cooperation by a careful reading of manuscript and proof sheets. Mr. Carl E. Otto and Mr. K. W. Bronson, students in my classes, have assisted in preparing the maps. In the drudgery of composition and proof reading my wife, as might be expected, has been my constant mentor and indispensable partner.

Isaac Joslin Cox.

University of Cincinnati,
December, 1917.


A
MAP
of the STATE of
Louisiana
WITH PART OF THE
MISSISSIPPI TERRITORY,
from
Actual Survey
BY
Wm DARBY.
1816
MISSISSIPPI
TERRITORY
CHOCTAWS
FT STOADDARD
FT CLAIBORNE
FT DARBY
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PARISH OF THE
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FORT OF
WEST
FLORIDA
F MEXICO

CHAPTER I

The Definition and Delimitation of West Florida

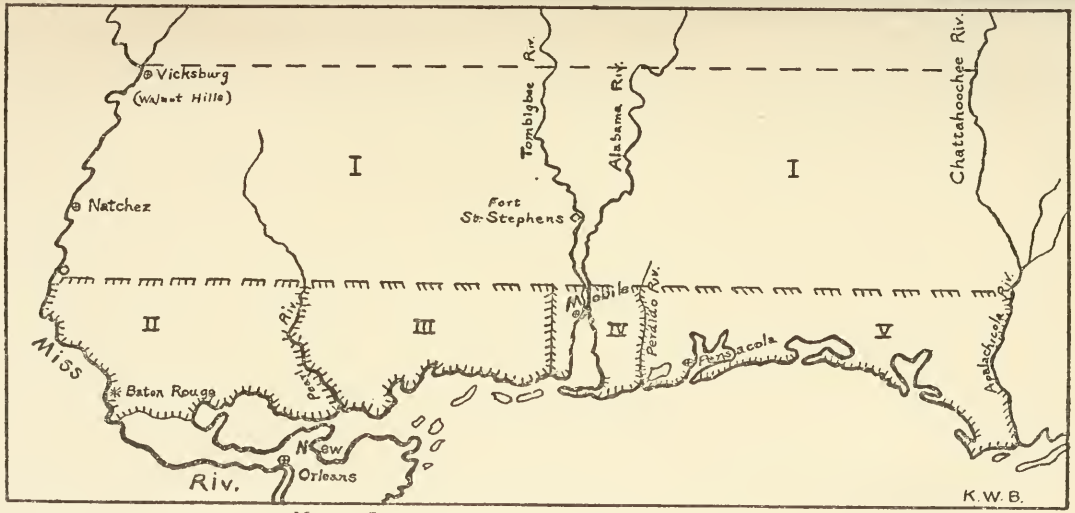
During the first six decades of the eighteenth century, Spain, France, and Great Britain asserted overlapping claims in what is now the southeastern part of the United States. Their uncertain spheres of influence, to borrow a modern term, comprised coastal plains on the Gulf and the Atlantic, indented by shallow bays and inlets and drained by rivers of moderate size, together with an indefinite hinterland. This region was peopled by numerous aborigines, largely grouped in imposing confederacies, mutually hostile but generally unfriendly toward intrusive Europeans. Position, physical characteristics, and native population thus jointly served to give an immense strategic value to the entire region, and these same basic conditions likewise suggested that political control and development therein must be unified.

For nearly two hundred years after its discovery the region attracted but casual international attention. Then, in the early part of the eighteenth century a series of factors—physical, racial, colonial, international—began in more thorough measure to exert their influence in blocking out a part of the region for future diplomatic and border controversies. This period,

which may not inaptly be called the period of definition, ended in 1763.[1] West Florida, first named and tentatively defined in that year, was the residuary legatee of the international claims and controversies that had hitherto characterized the history of the entire region.

Great Britain, now possessing all the territory lying between the Atlantic, the Gulf, and the Mississippi, except the Island of New Orleans, was in a position to establish that unified control so necessary to its complete development. Her first step to this end, the Royal Proclamation of 1763, gave West Florida a name and a northern boundary, the thirty-first parallel. This line, derived from the early Carolina grants, was destined to play an important part in the succeeding history of the region. The attempt to prescribe definite limits for the new province, an attempt repeated by the British and their successors during the next thirty-five years, began what we may term its period of delimitation. Shortly after 1763 the English authorities themselves modified the boundaries that they had first prescribed, because they found that it was advisable to extend the jurisdiction of West Florida to include all white settlements below the junction of

[1] For a description of the terms "definition" and "delimitation" as used in this chapter, consult my article on "The Significance of the Louisiana-Texas Frontier" in Proceedings of the Mississippi Valley Historical Association, 1909–1910, 198–215.



MAP TO ILLUSTRATE THE ACQUISITION OF WEST FLORIDA

I. Territory added to the original jurisdiction of West Florida by Great Britain in 1767; in dispute between Spain and the United States, 1783–1795; relinquished by Spain in the Treaty of 1795 and definitely occupied by the United States in 1798.

II. Territory claimed by the United States, 1803–1810, as part of the Louisiana Purchase; proclaimed independent by its inhabitants, September, 1810, and occupied by the United States in the following December; incorporated with the State of Louisiana in 1812.

III. Claimed by the United States as above; brought under its military and civil jurisdiction in 1811; incorporated with Mississippi Territory in 1812.

IV. Claimed by the United States as above; American jurisdiction proclaimed there by Claiborne (1811) and by Holmes (1812), except in the town of Mobile; occupied by the military forces of the United States, April, 1813, and the civil jurisdiction of Mississippi established there; later part of Alabama.

V. Invaded by Jackson, in 1814 and 1818; ceded by Spain to the United States in the Treaty of 1819; part of Florida.

the Yazoo with the Mississippi. During the American Revolution Spain conquered the English holdings and retained them under the Treaty of 1783. But that power was immediately involved in a territorial controversy with the United States and in 1795 was obliged to yield to her rival the portion of the province above the thirty-first parallel.

By the early part of 1798 the stipulations of the treaty of the Escorial, by which Spain made this cession to the United States, were in process of adjustment. The thirty-first parallel was reestablished as the boundary of West Florida, this time becoming an international line in the area east of the Mississippi. We may, therefore, take 1798 as the closing date for what we have called the period of delimitation in West Florida. The territory of Mississippi and the province of West Florida, the frontier jurisdictions of their respective nations, were separated by a definite limit, as well marked, in the course of the next two years, as their needs required. But such a settlement violated the essential unity of the region and the quarrel between Spain and the United States that had lasted fifteen years was soon renewed. In this dual dispute Great Britain and France, two of the parties to the original controversy that was settled in 1763 and still bitter commercial and political rivals, threatened to intervene whenever it should suit their individual purposes. The United States, ambitious heir

of the former, desired to acquire both the Floridas, and after 1803 claimed that portion of the western province lying between the Mississippi and the Perdido as part of the Louisiana Purchase.[2] This claim, which was largely responsible for the bitter territorial disputes in which the United States was immediately involved, and the measures taken by its officials during the succeeding decade to establish the claim and occupy the disputed area, form the subject of the present study.

The American claim included that portion of the Mississippi delta and its back country of which Baton Rouge is the natural center, the alluvial bottoms of the Pearl and the Pascagoula, and the area around Mobile Bay. The western portion resembled the Natchez district, with which it made a common physiographic unit. Here was found the larger part of West Florida's scattered population, gathered into considerable communities along the lakes and streams as far eastward as the Pearl. There were isolated habitations at Bayou St. Louis and Pass Christian, the Bay of Biloxi, and the mouth of the Pascagoula. The group of settlements second in importance was that scattered around Mobile Bay. For these the town of that name formed a military and business center. Pensacola,

[2] Cf. Chambers, "West Florida in its Relation to the Historical Cartography of the United States," in J. H. U. Studies, Ser. XVI, No. 5.

beyond the Perdido, lay outside the disputed area, but was the capital of West Florida under both British and Spanish rule. The only unity to this artificial jurisdiction was afforded by the chain of lakes and bays through which its rivers discharged their waters into the Gulf.

The significant part of West Florida was, therefore, merely a strip of the Gulf coast possessing little intrinsic value, but rendered temporarily important through international rivalry. It had even greater claims to distinction. Its creation, development, occupancy, and division determined the destiny of the whole region of which it was a part. It afforded at once an epitome and a prophecy of territorial expansion in the Southwest. The American pioneer in his varying aspects—turbulent squatter, domiciled subject, covert revolutionist—found it an adequate stage for his unconscious propaganda in behalf of democracy. Small as it was it bulked large enough in contemporary diplomacy to modify Napoleon's commercial system and to further Jefferson's Pan-American views. Frontier turbulence, foreign and domestic wrangling, and evasive treaty provisions marked each phase of its brief history and afforded a warning or an incentive for subsequent diplomatic procedure. Foreign invasion and filibustering left their marks upon its soil. After West Florida had thus put its sinister impress on nearly every important contemporary issue, the

single star, emblem of its short-lived independence, disappeared and the territory was quietly absorbed by the neighboring commonwealths.

It was fitting that the first historical event connected with the region should arouse controversy. The Spaniard Piñeda discovered what he called the Bay and River of Espíritu Santo. Whether this was the Mississippi or the Mobile was long in dispute, but modern scholarship is inclined to think the latter.[3] De Vaca skirted its shores, and De Soto visited upon its leading Indian community his most signal act of cruelty. More significant still is the interest manifested in its occupation by the Mexican viceroys, Mendoza and Velasco. The latter's representative touched at Mobile Bay in 1558 and made such a favorable report that the viceroy sent De Luna the following year to establish a definite settlement. He selected the nearby Pensacola Bay as his headquarters, but after two years of discouraging hardships his surviving followers found refuge in Hispaniola and Cuba.[4] For the next century and a quarter the region remained unnoticed except for random mention such as that by Father Alonso Benavides;[5] but the early Span-

[3] Hamilton, Colonial Mobile (ed. 1910), 10.

[4] Lowery, Spanish Settlements within the Limits of the United States to 1562, 356–375.

[5] The Memorial of Fray Alonso de Benavides, 1630, 64–66. Translated by Mrs. Edward E. Ayer, Chicago, 1916. Privately printed.

iards had indicated a connection with Mexico and Cuba that was to characterize in large measure the later stages of their control.

In the closing years of the seventeenth century the Spaniards were destined to a rude awakening from their apathy. The intrepid La Salle, seconded by his lieutenant Tonty, narrowly missed becoming the first French colonizer of the region.[6] He did link it with Texas, likewise to be associated in a future boundary controversy. The English also claimed it under the Carolina and subsequent grants; and, shortly after the Peace of Ryswick, a certain Daniel Coxe dispatched a vessel to explore the mouth of the Mississippi. This prospective rivalry led La Salle's successor, the Sieur d'Iberville, to favor some point east of the Mississippi for his settlement. He preferred Pensacola Bay. But when, early in 1699, he reached its vicinity and found the jealous Spaniards already established there, he led his garrison of eighty men to old Biloxi. During this period his brother, Bienville, encountered Coxe's captain at the mouth of the Mississippi, but succeeded in persuading him to depart.[7] Thus by the opening of the eighteenth century

[6] The most complete collection of La Salle material is in Margry, Découvertes et Établissements des Français, Vols. II and III, passim. For a brief sketch consult the introduction to my Journeys of La Salle in "The Trail Makers' Series."

[7] Margry, Découvertes et Établissements, IV, 53, 229, 393.

the future West Florida was involved in a tripartite dispute which was to continue for six decades.

Iberville wished to combine French and Spanish interests against the English, and for the purpose suggested that Spain should cede Pensacola, or possibly all Florida, to France in return for a guarantee of its possessions in Mexico. A century later a more famous Frenchman made a similar proposal. The Council of the Indies then resented the presence of the French in Louisiana, and rejected Iberville's proffer.[8] Their representatives at Pensacola even protested when Bienville moved his fort from Biloxi to the shores of Mobile Bay, and later to the present site of Mobile, but they were powerless to do more. The ensuing relations between their respective frontier garrisons were generally friendly, although during a few weeks in 1719 Pensacola was captured by the French, recaptured by the Spaniards, retaken by the French, and finally restored to its original occupants. By this time the French had established their headquarters at New Orleans, but they still retained Mobile for the sake of controlling the Indians. From that date the frontier commanders at that post and at Pensacola agreed to observe the Perdido as the limit of their respective jurisdictions.[9] By their silence the home governments tacitly accepted this boundary.

[8] Margry, Découvertes et Établissements, IV, 539–568.

[9] Margry, Découvertes et Établissements, IV, 381–385, 503.

Above the coast the French government, in the grant to Crozat and to the Western Company, vaguely spoke of Carolina as limiting their claims on the east. The English peril, threatening from the first, became more pronounced with the founding of Georgia in 1732. Its leader, Oglethorpe, brilliantly defended the new colony against the Spaniards and in addition endeavored to extend his influence among the western Indians. From the Carolinas and the colonies to the north English traders also visited the Choctaws and the Chickasaws. To maintain French prestige over his former allies, Bienville, in 1736 and 1740, undertook expeditions against the Chickasaws, which resulted disastrously and still further weakened the allied Bourbon defense.[10]

On the eve of the decisive contest for territorial supremacy in North America, Spanish Florida, extending over the peninsula and up to the Perdido, was guarded by Saint Augustine and Pensacola. The French settlements at Mobile and at New Orleans had as their eastern outposts Fort Natchez, Fort Tombecbé, and Fort Toulouse. English Carolina, now divided, was protected by the buffer colony of Georgia. The

539–541, 561, 577–580; V, 426, 461; Historia, Vol. 43, Opúsculo I, par. 31, 54, 63–67, MS., Archivo General y Público de la Nación, Mexico; French, Historical Collections of Louisiana, III, 63–65; ibid., new series, I, 147.

[10] Hamilton, Colonial Mobile, 126–130; Gayarré, History of Louisiana, The French Domination, 470–488, 503–517.

capital of the latter, Savannah, was flanked by forts Augusta and Frederica. The conflicting claims are summed up by Du Pratz, who mentions the Perdido as the limit between the French and Spaniards; and by De Lisle, who on his map draws an irregular line between the British and French possessions from that stream to the mountains, and so to the northward. Montcalm, in 1758, suggested about the same line as the limit between the English and the French.[11] The decision in the Valley of the St. Lawrence, later registered in the preliminary treaty at Versailles, brought the contested area between the mountains, the Mississippi, and the Gulf into the hands of the English. At the same time Spain surrendered the Florida Peninsula in exchange for Cuba. By this double transfer the English sphere of influence was enlarged to include all the territory east of the Mississippi except the Island of New Orleans. The first Bourbon combination failed to check the English advance predicted by Iberville.

West Florida now passed from the period of definition to that of delimitation, in which the diplomat plays a more important part than the discoverer or settler. The first paper marking this period is the treaty which closed the Seven Years' War. Inci-

[11] Le Page du Pratz, Histoire de la Louisiane, I, 160; Winsor, The Mississippi Basin, 63, 74; Thwaites, France in America, 156.

dentally this document partially delimited West Florida by a "line drawn along the middle of the Mississippi . . . to the river Iberville, and from thence by a line drawn along the middle of this river, and the lake Maurepas and Pontchartrain to the sea." In order to carry out this provision, the French king ceded to "His Britannic Majesty, the river and port of Mobile and everything which he possesses or ought to possess on the left side of the river Mississippi, except the town of New Orleans and the island in which it is situated." The remainder of this seventh article provides for the free navigation of the entire Mississippi by the subjects of both nations. The twentieth article of the treaty calls for the cession by Spain to Great Britain of "Florida, with the Fort Augustine and the Bay of Pensacola, as well as all that Spain possessed on the continent of North America to the east or the southeast of the river Mississippi."[12]

Following the transfer of the territory thus designated, the English sovereign proceeded to organize his new possessions. His proclamation for this purpose bears the date of October 7, 1763. It contemplates four new colonial governments, of which the second and third are of immediate concern. East Florida, the second mentioned in the proclamation, was "bounded to the westward by the Gulph of Mexico and the Appalachicola river." The third colony,

[12] The Annual Register, 1762, 233–247.

West Florida, was to be "bounded to the Southward by the Gulph of Mexico, including all islands within six leagues of the coast, the river Appalachicola to Lake Pontchartrain," and to the westward by the line laid down in the treaty. Its northern limit was a "line drawn due East from that part of the Mississippi, which lies in the 31st degree of North latitude, to the river Appalachicola, or the Catahouchee," which was its eastern limit.[13]

From this time the colony of West Florida is fairly defined except to the northward, where lay the Indian country marked out by the same proclamation. It shortly appeared that the line of the thirty-first parallel would pass below extensive settlements at Natchez, and possibly below some on the Mobile. These communities were not important enough for an independent government, and they could not be attached without great difficulty to distant Georgia. Accordingly, by a supplemental royal order issued in 1764, the territory of West Florida was enlarged to include all white settlements below a line drawn due east from the mouth of the Yazoo river. This extension was

[13] Ibid., 1763, 209–213. C. E. Carter states that the selection by the British of the thirty-first parallel was wholly arbitrary, because this was "as far north as the Settlements can be carried, without interfering with lands claimed or occupied by the Indians." But it seems to me that it was by no mere coincidence that they hit upon the line that had already appeared in the Carolina grants. Cf. Mississippi Valley Historical Review, I, 365.

repeated in the commissions issued to the various British governors from 1764 onward.[14] Very little of the territory was actually occupied by white settlers, till at a conference with Colonel John Stuart in 1770 the Chickasaws and Choctaws agreed to sell a portion of their land to the west and south of what was called the Chaterpé line. This limit began on the Tombigbee, about 135 miles above Mobile, and ran to the Yazoo some 15 miles above its junction with the Mississippi, and included territory along the Alabama, Tombigbee, and Pascagoula rivers, which the Choctaws had previously agreed to sell.[15] These cessions may be regarded as establishing a provisional line between the Indians and the whites under British rule. Some thirty years later the American government in new treaties negotiated by General Wilkinson gained substantially the same territory.

The revolt of the English colonies checked the running of Indian boundaries, and brought another set of interests to the front. The new American government desired to carry on commerce with the Spaniards at New Orleans, and to intimidate or occupy the

[14] American State Papers, Public Lands, I, 57.

[15] Hamilton, Colonial Mobile, 242–246; Farrand, "The Indian Boundary Line," in American Historical Review, X, 782; Gayarré, History of Louisiana, The Spanish Domination, 412; Ellicott to Pickering, Sept. 20, 1797, Ellicott and the Southern Boundary, MS., Bureau of Rolls and Library, Department of State.

British settlements at Natchez, Mobile, and Pensacola. Patrick Henry favored such a scheme. Oliver Pollock, the American agent at New Orleans, and his associate, James Willing, tried to carry it out; but the Tory element at Natchez, led by Anthony Hutchins, a retired British officer, proved too much for them, even when their efforts were secretly aided by Bernardo de Gálvez, governor of Spanish Louisiana.[16] In the course of a few years diplomatic complications in Europe forced the Americans to moderate their western ambitions. Accordingly, in 1779, their representative to Spain was instructed to ask for the thirty-first parallel as the southern boundary. In this they followed the early Carolina grants as did the Proclamation of 1763; but in claiming to the Mississippi, they disregarded a very essential part of that proclamation. They likewise demanded the right to navigate this river and to use a suitable port of entry below the designated boundary. The instructions furthermore show that, while they abandoned all hope of conquering the Floridas for themselves, they were ready to assist Spain to do so, provided that power would grant a substantial subsidy.[17]

[16] Winsor, The Westward Movement, 147–149, 155; Enclosure No. 6 in Ellicott to Pickering, Nov. 14, 1797, Ellicott and the Southern Boundary, MS., Bureau of Rolls and Library; James Dallas to Colonel John McGillivray, July 3, 1778, MS., Bancroft Collection, University of California.

[17] Foreign Affairs, Secret Journal, 1775–1781, 132, 138, 139,

In 1779 war broke out between Spain and Great Britain, and the latter power planned to strengthen Pensacola, and, with the aid of southern Indians, to push the Spaniards away from New Orleans. But George Rogers Clark and his men prevented cooperation between Hamilton at Detroit and Campbell at Pensacola. This indirect aid from the Americans enabled Gálvez, in September, 1779, to reduce the British establishments on the Mississippi. In the following March he occupied Fort Charlotte at Mobile, and in 1781 forced the English to surrender Pensacola.[18]

Gálvez was friendly to the Americans, but the Spanish government at home already regarded their territorial ambitions with jealousy. Consequently Pollock at New Orleans was unable to gain needed assistance for Clark and other American leaders, while John Jay at Madrid vainly tried to negotiate a loan of five millions of dollars. The Spanish representative, Diego de Gardoqui, plainly told him that this loan was contingent upon abandoning the claim to the navigation of the Mississippi. Owing to the lack of military success during 1780, Congress was more ready to

149, 226, 262; Winsor, Westward Movement, 160; Phillips, The West in the Diplomacy of the American Revolution, 53, 55.

[18] Winsor, Westward Movement, 162, 181, 189; Manuel Serrano y Sanz in Revista de los Archivos, Madrid, Mar.–Apr., 1914, 167.

yield this point; but even so, Jay was unable to take advantage of the concession.[19]

After he was transferred to Paris, Jay discovered that the Spanish government wished to retain the territory above the thirty-first parallel that Gálvez had conquered, and also insisted upon absolutely controlling the navigation of the Mississippi. The French minister, Vergennes, tried to maintain an unsatisfying neutrality towards both Spanish and American pretensions, but his secretary, Rayneval, supported Spain. Under the circumstances, Jay and John Adams persuaded Franklin to make a separate provisional treaty with Great Britain, despite their instructions, and thus secured from the mother-country a recognition of their territorial claims and of the right to navigate the Mississippi.[20] A secret article, however, called for the Yazoo line, in case Great Britain recovered the Floridas; in case Spain retained them, the thirty-first parallel.[21]

[19] Revista de los Archivos, Mar.–Apr., 1914, 201; Johnston, Correspondence and Public Papers of John Jay, I, 460.

[20] Johnston, John Jay, II, 388; Foreign Affairs, Secret Journal, IV, 73; Annual Register, 1782, 322–324.

[21] Foreign Affairs, Secret Journal, 1781–86, 338; Revista de los Archivos, Mar.–Apr., 1914, 174. In 1802 Lord Lansdowne told Rufus King that twenty years before he wished to obtain the Floridas, New Orleans, and some of the West Indies in exchange for Gibraltar, but that popular outcry prevented. He also stated that Jay and Franklin were willing for Great Britain to seize the Floridas, after the provisional treaty, if they could avoid the appearance of collusion. King, Life and Correspondence of Rufus King, IV, 93.

This provisional treaty between the United States and Great Britain was not modified in the later general peace. But when the latter ceded the Floridas to Spain she mentioned no definite limits.[22] Obviously here was a chance for dispute, and possibly Great Britain intended that there should be. Nor was the prospect of trouble removed when the Spanish authorities shortly afterward learned of the secret article. The territory involved was a strip about a hundred miles wide, extending from the Mississippi to the Chattahoochee, but the strip itself was not the most significant factor. Spain insisted upon this territory largely because it strengthened her assumed right to the exclusive navigation of the Mississippi. This in turn involved the control of the Indians in the region west of the mountains and south of the Ohio. For the next two decades these three factors constituted the leading issues in southwestern diplomacy.

In this struggle the Creeks, under the astute Alexander McGillivray, entered into an alliance with the Spanish governor, June 1, 1784, and agreed to protect his territory from encroachment. This led to a border war with Georgia which continued, in spite of the intervention of the national government under Washington, until the death of the great half-breed removed the principal stumbling-block to peace in the Southwest. The Spaniards gained some temporary advan-

[22] Annual Register, 1783, 331–338.

tage from their connection with him, as well as from their treaties with the Chickasaws and Choctaws. They also exerted some influence over the Cherokees, who carried on hostilities with the Watauga and Cumberland settlements.[23] For a generation to come Mobile and Pensacola, and for a shorter time, New Orleans, in Spanish hands, continued as recruiting centers for the Southwestern Indians.

Aside from Indian affairs the most significant event in the Southwest during this decade was the attempt by Georgia to organize Bourbon County in the Natchez district. Thomas Green, the leader in this project, failed to cooperate with his associates. The greater part of the inhabitants at Natchez probably sympathized with him, but feared to take a definite stand that might result in their total ruin. The Spanish authorities absolutely refused to yield the territory in question, and Georgia was too far away to conduct a military campaign to advantage. At the same time the Indians defeated another attempt by Georgia to organize a county in the bend of the Tennessee River.[24]

In this failure of Georgia to uphold its own territorial claims against Spain we have evidence that the

[23] Pickett, History of Alabama, II, 61, 73, 141; cf. article by Jane M. Berry in Mississippi Valley Historical Review, March, 1917.

[24] American Historical Review, XV, 66–171, 297–353.

problems of the Southwest were too much for a single State. But under the Confederation it was doubtful if the national government could succeed any better. Shortly after the Revolution, La Fayette undertook without success to initiate diplomatic relations between Spain and the United States. Ill success likewise accompanied the efforts of Jay and Gardoqui, in 1785–1786, at Philadelphia. The diplomatic duel which they there resumed over the boundaries and the navigation of the Mississippi led to no other result than a tentative proposal to forego the navigation of the Mississippi for twenty-five years. Jay submitted the proposal to Congress; but, influenced by western opposition, that body refused even to consider it.[25] Negotiations were then suspended during the continuance of the government under the Confederation.

Meanwhile Spain retained possession of the east bank of the Mississippi as far north as the present Memphis. To strengthen her hold there her officials opened intrigues with certain leaders in the Blue Grass region of Kentucky and in the Cumberland district of Tennessee. In time, however, the element that was loyal to the American government was reinforced by the promise of a "more perfect union" under a new constitution, and checkmated the plans of Wilkinson and other western disunionists.[26] Their communities suf-

[25] American State Papers, Foreign Relations, I, 248–251.

[26] Shepherd, "Wilkinson and the Beginning of the Spanish

fered many genuine grievances that encouraged specious advances from Spain and half hearted intrigues on the part of Great Britain. The situation was further complicated by the desire of France to regain possession of Louisiana. But despite these untoward circumstances, the genuine loyalty of the West was clearly demonstrated when separatism received a check in Kentucky and North Carolina resumed control over the western counties. The West preferred to seek a remedy by regular means under the new government, rather than attempt the uncertainties of rebellion or the restrictions of a Spanish colonial system. The French traveler, Brissot de Warville, indicated another possible solution when he predicted the success of an American campaign against New Orleans.[27]

The "Nootka Sound Affair," the first serious diplomatic question under the new government, threatened American neutrality. The Venezuelan revolutionist, Francisco de Miranda, urged Great Britain to occupy New Orleans. The trader and adventurer, W. A. Bowles, offered to conquer for her the Floridas and lower Louisiana. Hamilton and even Jefferson intimated to a British agent that American acquiescence, if not complicity, might be secured by ceding New

Conspiracy," in American Historical Review, IX, 490–506, 748–766.

[27] American Historical Review, X, 258.

Orleans and the Floridas to the United States. Later Jefferson veered round and refused to welcome Great Britain as a neighbor west of the Mississippi. Instead he hoped to gain New Orleans or some other suitable port through the good offices of the French government. He also instructed William Carmichael at Madrid to propose the cession of New Orleans and the Floridas to the United States in return for a guarantee of Spanish possessions west of the Mississippi. In neither case did he gain his point. France herself had designs on the desired territory, and his instructions to Carmichael arrived too late for use. Jefferson's attitude, however, reminds us of his course just before the purchase of Louisiana.[28]

The following ten years presented many diplomatic episodes equally perilous to the Spanish hold on the Floridas. But a more insidious peril was developing in the very region. The original French and Spanish elements in its population were, after 1763, joined by British immigrants largely from the Carolinas and Georgia. There was also some infiltration from the movement that was peopling Kentucky and Tennessee. Originally this Anglo-American element was mostly Tory in sympathy; but after the independence of the former British colonies, it naturally sided with the Americans rather than with the Spaniards. After

[28] Manning, "The Nootka Sound Episode," in American Historical Association, Annual Report, 1904.

1783 a renewed migration from Georgia and the Carolinas poured into the Mobile and Natchez districts.[29] These newer immigrants, whether loyalist or Whig, were for the most part people of character and substance, and met with an unexpected welcome from the Spaniards. This attitude arose from a desire to erect buffer colonies against future illegal immigration. Gardoqui joined with Colonel Morgan of New Jersey to found a settlement at New Madrid.[30] This project was largely neutralized by the opposition of Wilkinson and the jealousy of Governor Miró, who wrote to Judge Sebastian of Kentucky, under date of September 16, 1789, that Wilkinson had mentioned him as one who expected to leave Kentucky. Miró assured Sebastian that he would welcome him and his companions with pleasure, and permit them to locate "in any part of Louisiana, or anywhere on the East side of the Mississippi below the Yazoo river." Such settlers should receive a liberal land grant, introduce their personal property free of duty, and dispose of their surplus tobacco in the general market. They might practice their religion without molestation, and enjoy the privileges and immunities of His Majesty's subjects.[31]

[29] Pickett, History of Alabama, II, 25, 28, 124.

[30] Ogg, Opening of the Mississippi, 449.

[31] Miró to Sebastian, N. O., Sept. 16, 1789, enclosed in Beverly Randolph to Washington, May 31, 1790, Miscellaneous Letters, MS., Vol. 3, Bureau of Indexes and Archives, Department of State; Revista de los Archivos, May–June, 1914, 356.

As a general criticism, we may say that these Spaniards were playing with fire, and they ought to have known it. The prediction of John Sullivan, a resident of Charleston, affords a case in point. After assuring his friend, Major William Brown, that there was work cut out for him in the western country, he added: "Take my word for it, we will speedily be in possession of New Orleans." The American authorities affected to believe that this letter represented Sullivan's personal views only; but he may have had some connection with Dr. James O'Fallon, who was agent for the Yazoo Land Company of South Carolina. If so, this letter has added significance. O'Fallon proposed to plant a colony of Americans on the site of modern Vicksburg. He attempted to allay the fears of Governor Miró by representing his company as made up of disaffected westerners ready to ally themselves with the adjoining Spanish authorities and to serve as a rampart against future irruptions. He was to organize his settlers into a semi-military battalion, under the command of George Rogers Clark. The latter had been unjustly treated both by the State of Virginia and by the American government, and was ready to enter Spanish service in return for a land grant. Washington's proclamation rather than Spanish reluctances led the prospective colonizers to await a more favorable opportunity.[32]

[32] American State Papers, Foreign Relations, I, 281; Pick-

Similar encouragement given by the governor of East Florida led Jefferson to predict the natural result of this policy. Under date of April 2, 1791, he wrote Washington: "This [invitation] is meant for our people. Debtors will take advantage of it and go off with their property. Our citizens have a right to go where they please, and it is the business of the states to stop them till their debts are paid. This done, I wish 100,000 of our inhabitants would accept the invitation. It may be the means of delivering to us peaceably what may otherwise cost a war. In the meantime we may complain of this seduction of our inhabitants, just enough to make them believe we see it a very wise policy for them, and confirm them in it, this is my idea of it."[33]

In 1793 it seemed possible to combine the commercial and territorial demands of the Americans with the universal revolutionary propaganda of Brissot de Warville and his fellow Girondists. The new French minister Genêt was the agent selected to make the combination. Thomas Paine in the name of recently naturalized French citizens; Pierre Lyonnet for his fellow creoles of Louisiana; Clark and O'Fallon in behalf of the western frontiersmen, assured him that

ett, History of Alabama, II, 114; Revista de los Archivos, May–June, 1914, 359–361.

[33] Jefferson to Washington, Apr. 2, 1791, Miscellaneous Letters, MS., Vol. 5, Bureau of Indexes and Archives.

they were ready to cooperate in overthrowing Spanish rule in Louisiana and the Floridas. Hoping to secure the latter from France as a reward for quiescence, Jefferson now directed our minister, Carmichael, not to guarantee the Spanish colonies west of the Mississippi, and in his personal relations with Genêt failed to maintain the rigid neutrality that Washington prescribed.[34] He, too, was playing with fire to gain his coveted end.

Lacking resources and the ability to organize his heterogeneous volunteers, even with Jefferson's clandestine aid, Genêt at Philadelphia failed to overcome the administration's neutral policy. In the West, Wilkinson opposed his projects and thereby measurably justified the continuance of his Spanish pension. But from New Orleans Governor Carondelet, distrusting denizen and defenses alike, vainly attempted to revive among the Kentuckians the project of separating the West from the Union.[35] They were beginning to feel an increased respect for the new national government and hoped to realize their aspirations through its regular channels. Fauchet's proclamation,[36] therefore,

[34] Turner, "The Policy of France toward the Mississippi Valley in the Period of Washington and Adams," in American Historical Review, X, 261–264.

[35] Gayoso to Alcudia, Sept. 19, 1794, in American Historical Association, Annual Report, 1896, p. 1081; Carondelet to Alcudia, July 30, 1794, ibid., 1069.

[36] Quoted in Mangourit Correspondence, No. 39, in American Historical Association, Annual Report, 1897, 629.

disavowing his predecessor's filibustering projects, fell upon receptive ears.

The diplomatic relations of the United States with Spain had advanced but little during the preceding decade. The southern boundary was still unsettled and the western settlers were without the privilege of navigating the Mississippi. By this time the Indian situation had become acute. Washington, out of patience with the double-dealing McGillivray, was on the point of declaring war against the Creeks. Before doing so he determined to make one more attempt to settle all outstanding questions with Spain. For this purpose he made use of a significant feature of our early diplomacy—the special mission. William Short, our minister to Holland, was associated with Carmichael in a fresh attempt to overcome Bourbon hostility and delay. The American claim to the Natchez district, Jefferson informed the joint envoys, was based on the preliminary treaty with Great Britain; that of Spain, on conquest. The inchoate right of the latter nation was not confirmed by formal treaty until some months after the American pact with Great Britain. Hence the American claim took precedence. He also naively instructed his representatives to deny the secret article in the preliminary treaty by which the Americans had agreed, under certain conditions, to accept the Yazoo line, or to discuss it only hypothetically. What the United States might do for Great Britain after a long

war could not be used as a precedent for her action toward Spain under more favorable circumstances. Moreover, the new constitution of the United States guaranteed the territory of each State, and only a disastrous war could change this fact. He based the American territorial claim on the Carolina Charter of 1663, the Royal Proclamation of 1763, and the preliminary and final treaties with Great Britain. But in connection with the proclamation he disregarded one very essential point—the source line limiting the eastern colonies.

Jefferson founded the American claim to navigate the Mississippi on the treaties of 1763 and 1783 and on natural right. Under the earlier treaty the British colonists had the right to navigate the Mississippi. They had now become American citizens, but had not relinquished this right, nor had Spain conquered it from the United States, with whom she had never been at war. Great Britain yielded the Floridas to Spain, it is true, but she did not thereby yield a privilege which belonged to the United States. Aside from our treaty rights, Jefferson asserted that the inhabitants on the upper course of the river had the right to pass in and out of its mouth. In support of this view he cited the case of Antwerp on the Scheldt and those rivers of Spain which flowed through Portugal.[37]

[37] This principle was not definitely recognized in European diplomacy until the Congress of Vienna in 1815. Cf. W. E. Hall, International Law (sixth edition), 131–140.

An additional argument in favor of the American claim was the fact that our population on the Mississippi and its tributaries surpassed that of Spain. He quoted from Roman law to prove that the navigation of rivers was a public privilege. The right to navigate also implied the means to exercise it, and this meant a place to deposit and transship goods from river-craft to ocean-going vessels. These rights of navigation and deposit, as well as our claim to the thirty-first parallel, were to be regarded as a *sine qua non,* for which Spain could not expect compensation.[38]

When Short reached Madrid in February, 1793, Spain, at war with France and allied with Great Britain, was unwilling to treat with our envoys. Her own representative was the inflexible Gardoqui, now secretary of finance, and he was as little inclined to yield upon the points at issue as he had been with Jay some years before. Nor were the Americans more successful with Godoy, the Duke of Alcudia. After some months of fruitless endeavor, Carmichael quitted Madrid in disgust.[39] Short continued as chargé, almost unnoticed. The Spaniards tried through him to reopen negotiations with France, but to no purpose. He then suggested a descent of the Mississippi or an

[38] American State Papers, Foreign Relations, I, 252–255.

[39] Ibid., 259 ff.; Dispatches of William Short, MS., III, No. 168, Bureau of Indexes and Archives.

invasion of the Floridas to bring the Spanish government to terms.[40]

About this time the Spanish representatives in Philadelphia intimated that the United States needed in Madrid a minister of the requisite "character, conduct, and splendor, with full powers to treat on all subjects at issue." Edmund Randolph, then secretary of state, was thoroughly impressed with the idea, and secured the appointment of Thomas Pinckney, our minister at London, as special envoy.[41] Both Monroe and Thomas Paine, who had been instrumental in bringing Spain and France together, believed that the French Directory was ready to assist in pressing the American claims. But all evidences of French friendliness disappeared on news of Jay's treaty with England. Marks of open displeasure followed when Pinckney passed through Paris without giving the Directory, or even Monroe, any inkling of its terms.[42]

Nevertheless the fates were working to favor the Americans. Spain could not become friendly with France without incurring the hostility of Great Britain. Accordingly their officials did not wish to add the United States to the number of their avowed enemies.

[40] Dispatches of Short, MS., III, No. 183, Bureau of Indexes and Archives.

[41] Randolph to Washington, Oct. 10, 1794, Miscellaneous Letters, MS., Vol. 17, Bureau of Indexes and Archives.

[42] Monroe, A View of the Conduct of the Executive, 203; American Historical Association, Annual Report, 1903, II, 580.

Yet for a time they resorted to their customary methods of delay, among which the periodical migration of the Spanish court to the Escorial was not the least trying. Pinckney also found himself handicapped by a lack of definite instructions. When Godoy began to review the questions at issue Pinckney refused to discuss them in detail or treat of them separately. The only point that seemed to cause serious difficulty was the navigation of the Mississippi. Finding that Godoy was again inclined to temporize, Pinckney promptly asked for his passports. This forced the Spaniard to yield to his demands.[43] By so doing, as his enemies later charged, Godoy sacrificed all the advantages gained from Great Britain in 1783. Yet under the circumstances, it is hard to see what else Godoy could do. It was impossible to restrain the Americans any longer; and if they had once begun hostilities against Spain, New Orleans and all of the Floridas must have passed into their possession so much the earlier. Under these circumstances the treaty of 1795 was signed. Spain accepted the thirty-first parallel as the northern boundary of the Floridas, conceded the navigation of the Mississippi with New Orleans as a place of deposit, and agreed to restrain the Indians within her jurisdiction.

Godoy's signature was no assurance that he would be prompt in carrying out the terms of the treaty. In

[43] American State Papers, Foreign Relations, I, 542–546.

the course of a few months he perceived that, despite the Jay treaty, the United States and England were not likely to become allies. By this time he had brought about that agreement with France which gained for him his most significant title—the Prince of the Peace. France desired to regain Louisiana, and with it, as much of the territory formerly included in that jurisdiction as could be forced from the United States. Godoy, therefore, vainly attempted to gain French favor by retaining certain posts on the east bank of the Mississippi. For more than two years after signing the treaty he found one pretext after another for delaying its fulfilment. But when, early in 1798, French influence temporarily forced him from office, he issued the necessary orders for carrying out the treaty. By this act he completed the period of delimitation in West Florida.

CHAPTER II

The Occupation of the Natchez District

Nearly a score of years before the treaty signed at San Lorenzo el Real in 1795 the Americans had cast envious eyes upon the Floridas. Later military reverses and financial necessities caused them to moderate their desires to the limits of the former British grant and proclamation. The mother-country acquiesced in this modified claim, possibly with the intention of embroiling her former colonists with the Spaniards and profiting from the ensuing conflict. But, fortunately, the trend of affairs in Europe after 1789 and the waxing power of Washington's administration combined to favor the new nation. However unacceptable their cause, Pinckney at the Escorial and Jay at the Court of St. James scored distinct triumphs; and of the two Pinckney's was by far the more striking. His treaty guaranteed the possession of certain posts and probably immunity from Indian warfare, as did Jay's, and in addition carried with it the formal acknowledgment of a territorial claim and the coveted privilege of navigating the Mississippi.

It is reasonable to assert that this treaty did more than the military demonstration against the whiskey

insurgents to reconcile the West to the national administration and to overthrow the intrigues of the Spanish conspirators. While it did not render acceptable their remaining limited commercial subserviency to a foreign nation, the men of the western waters were content to put up with it for a term of years, being fully persuaded that the Natchez district represented but the first step toward New Orleans and the Floridas. It was because Godoy feared this that he delayed the carrying out of the treaty. But his formal protest was directed against a possible invasion by his recent allies—the British—reinforced by the American frontiersmen.

Per contra the American government hastened to secure the advantages now opened to its citizens. After the formal ratification of the treaty, April 26, 1796, Andrew Ellicott and Thomas Freeman were appointed to represent the United States in running the southern boundary.[1] But Ellicott's task was by no means restricted to the stipulated line of demarcation. In addition to his formal instructions he was verbally advised to watch Wilkinson, whose intrigues had long since given rise to damaging reports.[2] Conditions at Natchez might cause him to assume indefinite political functions. Thus his was a semi-diplomatic mission,

[1] Miscellaneous Letters, MS., Vol. 21, Bureau of Indexes and Archives.

[2] Annals of Eleventh Congress, First and Second Sessions, Pt. 2, 2306.

destined to exert considerable influence in the Southwest. As such it may be compared to Casa Calvo's career in New Orleans after the Louisiana Purchase.[3] The Quaker certainly rivalled the Marqués in finesse, while the fates were much more propitious toward him.

The Spanish authorities in Louisiana displayed no intention of assisting Ellicott in his ostensible mission. The Baron de Carondelet attempted another intrigue with Wilkinson, although he believed the latter was ready to turn against the Spaniards in order to gain favor with the American authorities.[4] More important than this tampering with the loyalty of the American commander was Carondelet's determination to delay the evacuation of the posts above the thirty-first parallel. If it was necessary to yield these posts he suggested the possibility of moving the inhabitants below the new boundary line, where they might serve to guard the other royal possessions against both the Americans and Indians. For the present, however, if the people of Kentucky and Tennessee were allowed to navigate the Mississippi, they would not become impatient over the delay in surrendering the posts, nor

[3] See p. 147.

[4] See my article on "Wilkinson's First Break with the Spaniards," in Eighth Annual Report of the Ohio Valley Historical Association, 49, 51; printed in Biennial Report of the Department of Archives and History of the State of West Virginia, 1911–1914.

would they assist their government in capturing them. Furthermore he expected them within a few years to separate from the Union, and then they would be glad to have these forts in possession of the Spaniards, rather than of the Americans.

According to the Spanish governor, the treaty afforded many pretexts for disputes, each of which would require months for settlement. Thus His Majesty would have an opportunity to temporize for two or three years over the evacuation without exposing Spain to any disadvantage.[5] A few days later, his subordinate at Natchez, Gayoso de Lemos, told Daniel Clark that he did not believe that the Spanish authorities intended to carry out the treaty with the United States. Evidently Gayoso's utterance was inspired, for like his chief he expressed a belief in an early dissolution of the Union.[6] The Indians objected to the presence of the Americans, and this afforded the Spanish officials a strong pretext for disregarding the proposed boundary line.

[5] Carondelet to Alcudia, reservado No. 70, June 12, 1796, Legajo 178, Papeles de Cuba. This collection, the most important single source for this work, is located in the Archivo General de Indias, Seville. For a description of the papers in this collection relating to the United States, see Roscoe R. Hill's "Descriptive catalogue of the Documents relating to the History of the United States in the Papeles Procedentes de Cuba deposited in the Archive General de Indias at Seville"—Carnegie Institution of Washington, 1916.

[6] Annals of Tenth Congress, First Session, II, App. 2730.

Some two months later, Carondelet sent Gayoso a very secret dispatch in which he said that it was indispensable to seek pretexts for deferring until December the evacuation of the posts. By that time they might learn the king's resolution in regard to the Natchez settlers and the complaints of the Indians. Gayoso must act so as to afford the Americans no opportunity for complaint, and while expressing the greatest desire to carry out the treaty, find obstacles to prevent it. If the American commissioner arrived by way of the Ohio, the military authorities along the Mississippi were to detain him. If he came by sea to New Orleans Carondelet himself would do so, under pretense of preparing his escort. Having delayed him until September or later, they could then point out the impossibility of evacuating the upper forts on account of low water. While this condition lasted, he could not withdraw the garrisons from the lower posts and leave the upper ones defenseless. This would provide a plausible reason for not evacuating the forts until January. Then Carondelet planned to question the ability of the United States to pacify the Indians within its limits. This task presented so many difficulties that Spain would be justified in not ceding the territory without more explicit assurances. Gayoso, prompt to take the cue from his superior, feared that he would be unable to equip a party for the work of surveying. The people of the Natchez district had

been permitted to extend the period of payment for their lands. The approaching transfer might interfere with this arrangement, and cause some inconvenience. He wrote in November that the Indians near Fort Confederation[7] were greatly excited over the prospect that Americans might run a line through their territory. They knew what this had meant for other Indians, and objected to the Spaniards' taking any part in the survey or delivering the territory to the Americans.[8] These officials certainly found no dearth of pretexts for delaying to execute the treaty.

Contemporary events in the West favored their designs. The British authorities in Canada began to cultivate cordial relations with the western settlers and with the Indians, with a view to using them in an expedition against upper Louisiana. At the same time Senator William Blount of Tennessee planned to invade the Floridas and Louisiana. He feared the loss of his extensive land holdings should the French become established in New Orleans, and expected to induce the western frontiersmen and the Indians to cooperate with a British fleet in attacking the Spanish posts on the Gulf. But the mutual antagonism of

[7] On the site of the French Ft. Tombecbé on the Tombigbee River.

[8] Carondelet to Gayoso, Aug. 23, 1796, Gayoso to Carondelet, Aug. 31, 1796, Gayoso to Carondelet, Nov. 14, 1796, Legajo 43, Papeles de Cuba; Houck, The Spanish Regime in Missouri, II, 139.

his prospective forces rendered such an undertaking extremely problematical.

John D. Chisholm, long a resident in the Indian country, was Blount's chief agent. The British minister, Liston, stated that Chisholm had promised to deliver the Floridas to Great Britain through the aid of his friends near the border. The premature revelation of the plot caused the British government promptly to disavow all responsibility for Liston's statement. Chisholm's employer resigned his seat in the United States Senate,[9] following a demand of the Spanish minister for his punishment, and thus escaped impeachment. Before this event, however, he seems to have interested Vice-President Jefferson and General Wilkinson in his scheme, and to have involved them so thoroughly that Jefferson was long subject to Wilkinson's influence.[10] Aside from this incident, the main result of this conspiracy was to arouse the Spanish authorities to unwonted activity in protecting their dominions, and to justify them in retaining the forts above the thirty-first parallel.

Timothy Pickering, the secretary of state, regarded the whole affair as part of the French plan to regain Louisiana. The French ministers, Fauchet and Adet, certainly did nothing to disprove the charge. Both

[9] American Historical Review, X, 576, 582; Quarterly of the Texas State Historical Association, X, 65.

[10] Eighth Annual Report of the Ohio Valley Historical Association, 53.

opposed war with the United States, but believed that by possessing Louisiana, France could exert the proper influence on American affairs. Adet employed a French officer, Victor Collot, to visit the western country and plan its military defense. Collot's visit took place during the Blount conspiracy, against which he warned the various Spanish commandants. Moreover he assured Adet that the same nation must possess both banks of the Mississippi.[11] In view of the French plan to reoccupy Louisiana, this suggestion had a sinister meaning for the American holdings in the West.

Other French agents besides Collot aroused American distrust. One Samuel Fulton, an American in the service of the Directory, visited George Rogers Clark, confirmed him in his French sentiment, and enlisted him against the British project.[12] Fulton also endeavored to enlist the Creek Indians in the French service. At the same time another French adventurer, Milfort, representing the former McGillivray faction, was planning to organize the Creeks against the Americans and to use their country as a foothold from which the French might later regain Louisiana.[13]

[11] Collot, A Journey in North America, etc., II, 230–245, 257; American Historical Review, X, 272, 577–582. Wilkinson later emphasizes this same idea in his letter of July 6, 1803, to Secretary Dearborn, Letters Received, MS., War Department.

[12] American Historical Association, Annual Report, 1903, II, 1098.

[13] American Historical Review, X, 271.

Thus while the Spaniards delayed in delivering the Natchez district to the Americans, English and French agents in the Southwest were plotting against each other and against the United States; and our own officials, such as Blount and Wilkinson, tried to turn the general turmoil and uncertainty to their personal advantage.

In his journey to Natchez, Ellicott encountered many evidences of the forces working against the treaty. Philip Nolan joined him at the mouth of the Ohio. The Spanish commandants at New Madrid, Chickasaw Bluffs, and Walnut Hills affected ignorance of the treaty and attempted to detain him. Ellicott nowhere indicates that these two circumstances bore any relation to each other. Yet Nolan was the confidential agent of Wilkinson, against whom Ellicott had been warned. On this occasion, however, Nolan proved extremely useful in dealing with the Spanish officers along the route and in approaching Gayoso.[14] Within two days after arriving at Natchez, where the commandant received them with a great show of cordiality, Ellicott learned that the Spanish authorities had no intention of evacuating the posts as stipu-

[14] The source for Ellicott's career at Natchez is his Journal (Phila., 1803), supplemented by his correspondence with the State Department, in Ellicott and the Southern Boundary, MS., Bureau of Rolls and Library. For the relations of Ellicott and Nolan with the Spaniards, cf. Quarterly of the Texas State Historical Association, X, 53–55.

lated. At the same time they seemed disposed to grant free navigation of the Mississippi. This concession was likely to prove illusory, for if Louisiana soon passed under control of the French, as seemed certain, the latter might use their superior resources to close that river and bring about the separation of the western communities from the Union.

It was precisely because he feared such a result that Ellicott insisted on beginning the boundary survey at once. Failing to persuade Gayoso, he strove, as he later confessed, so "to embarass the Spanish government" as to force the abandonment of the Natchez district. Although not a Houston or a Frémont, he played a similar part in American expansion. Finding himself upon disputed territory which his government greatly desired; surrounded by an unsettled population, most of whose elements were eager for American control; facing officials of an expiring régime, determined to make a last despairing effort to hold the coveted territory, he furthered every effort to stimulate a revolt against the Spaniards. The resulting insurrection was a bloodless one, but it was none the less effective. Thus the Natchez district served as a prototype for West Florida, as that region in turn did for Texas and California.

In furthering his design Ellicott from the first displayed the American flag over his camp, contrary to the request of the Spaniards. Against their wish he

brought the military escort under Lieutenant Pope to Natchez, and united it with his own company in a fortified camp of considerable strength. He encouraged visits from the "inquiet spirits" of the neighborhood, among them Thomas Green, already a marked man because of his part in the attempt to organize Bourbon County; and encouraged those who were dissatisfied to petition for leave to migrate to the upper American territory. By arousing undue expectations among the Choctaws, he detached them from Spanish allegiance, so that they gave him no difficulty when he ran the line through their territory. In all of this he exceeded his instructions and created the impression with some American officials that he was a blundering busybody. Doubtless he magnified his services, but honest motives inspired them, and in the end crowned with a modest measure of success his "Quaker conquest."

His opponent, Gayoso, was not backward in his attempts to retaliate; but he represented a losing cause. He tried to separate Ellicott from his escort and get him down the river, but the surveyor refused to be enticed away from his point of vantage. He suggested to the landed proprietors that their titles would be unsettled under American control, especially where there was a conflict between former English and Spanish grants and the claim of Georgia. He also attempted to attract the debtor class by promising the remission of crop liens. His proclamation of March

29 mentioning these points, as well as his attitude toward religious worship and the Indians, repelled as many as it attracted. Those who had been "imprudently warm" in declaring their preference for the American government felt that they had thereby fatally compromised themselves.[15]

At this time, reinforced by a royal order of October 29, 1796, Gayoso began to ask whether the forts below the mouth of the Yazoo were to be demolished or delivered intact. This was obviously another pretext to delay the evacuation, but he quoted Carondelet's order to retain possession until their governments should settle this point. Ellicott believed that the other did not intend to give them up at all. Yet he rejected Green's offer to raise a hundred men and capture the forts, and Anthony Hutchins's proposal to make a hostage of Gayoso. Hutchins seemed too intimate with one of Blount's agents and too closely identified with British interests to gain Ellicott's confidence.

In April, 1797, Carondelet instructed Gayoso to assume a firmer tone in his dealings with Ellicott, should he find that the Spanish party at Natchez was more powerful than the American. He should refuse to evacuate the forts, restrict the number of Ellicott's escort, and forbid the approach of the remaining American soldiers. In case Ellicott continued his in-

[15] Riley, "Transition from Spanish Rule," in Publications of the Mississippi Historical Society, III, 261 ff.

trigues or attempted to exercise private jurisdiction while the territory was under Spanish control, Gayoso was to escort him courteously to New Orleans, and repress with force any attempt on the part of the residents or soldiers to prevent this act. If, however, the American party should prove the stronger, Gayoso was not to risk an attack at Natchez. He should destroy the fort there and abandon that at Walnut Hills, after withdrawing the artillery from both. This action would establish a basis for later claims against the American government. As Ellicott was now acting with greater caution, Gayoso replied that if Carondelet could secretly send more troops, he would be able to delay the evacuation and keep order in the district.

Early in May Gayoso brought Blount's conspiracy and the allied Canadian expedition against Upper Louisiana to Ellicott's attention. These afforded other reasons for holding the forts along the Mississippi and suspending the boundary survey. It would be necessary to await assurance from the American government that it would not permit the British to violate its neutrality. Ellicott worded his protest against this decision so as to convey the impression that Gayoso and his colleagues hoped by delay to court favor with the French, the prospective owners of Louisiana. This would compromise the Spaniard with the people of Natchez. But Gayoso repelled the charge with dignity. At the same time Ellicott advised the secretary

of war that there could be no lasting peace as long as the Spaniards remained east of the Mississippi.

Meanwhile at New Orleans Carondelet was telling Nolan that he was determined to suppress the trouble brewing up the river by a judicious use of lead and hemp. For the purpose he had already issued orders to assemble twelve hundred men at Baton Rouge. He now asked Nolan, who was a favorite of his, if he wished to take part in the expedition, and received positive assurance that he did. Yet the American kept Ellicott informed of these proceedings, through the younger Clark, and thus enabled the commissioner to counteract Carondelet's plans and "turn his weapons upon himself." By this course the double-dealing Nolan exposed himself to great peril; but his associates carefully concealed his agency, and Ellicott at least conceived a high opinion of his ability and patriotism.

President Adams's determined attitude toward France so aroused the American contingent at Natchez that they formed a plan to add to the Union "the two Floridas with the Island of New Orleans," in case the Spaniards began hostilities, or permitted the French to move through their territory. From the caution with which this affair was managed, together with the number, character, and resources of its leaders, Ellicott believed that it would have met with instant success. In a letter he states: "Nothing was left undone through

confidential channels to embarrass the Spanish government in this country till the military authority, (which was all they had) was abolished in the district of Natchez, after which it was not worth holding; and if Baron de Carondelet had persevered in his calling together the militia at Baton Rouge, our plans were in such forwardness that the whole country east of the Mississippi would certainly have been in our possession in less than six weeks."[16]

Aside from military preparations to checkmate the Americans, Carondelet determined to make a final appeal to Wilkinson and the other disunionists. Accordingly on the 26th of May, 1797, he commanded Thomas Power to carry a message to Wilkinson in regard to postponing the delivery of the forts. This was the ostensible motive for Power's journey, but his true purpose was to stir up the separatists in Kentucky. In conferring with the various leaders of that State and with Wilkinson, he was to offer them $100,000 immediately, and another $100,000 together with twenty field guns and other munitions, as soon as they began the projected revolution. Carondelet had not written to Wilkinson for fear of compromising him since Power's unsatisfactory interview of the previous year. Now the threatening perils led him once more

[16] Ellicott to Secretary of State, Jan. 10, 1799, Ellicott and the Southern Boundary, MS., Bureau of Rolls and Library.

to appeal to Wilkinson's former Spanish predilection.[17]

Power accordingly left New Orleans and reached Natchez early in June, 1797. There Gayoso furnished him with money for his expenses, and with additional letters for Wilkinson. The agent endeavored to persuade Ellicott to come down to New Orleans, and assured him that the difficulty over the treaty would be settled within a month or so. But Ellicott already knew of Power's mission through Daniel Clark, and determined to thwart it.[18] He charged some of his friends in Kentucky and Tennessee to use their best efforts to the same end. Power reached Kentucky with great difficulty and reported Carondelet's project to Sebastian. He promised complete indemnity for

[17] The details of this mission are given in Gayoso to the Prince of the Peace, June 5, 1798, No. 20, *sumamente reservado,* Legajo 43, Papeles de Cuba.

[18] Ellicott's own testimony in regard to Power's mission is conflicting. In a deposition years afterward (Annals of Eleventh Congress, First and Second Sessions, Pt. II, 2307 ff.) he stated that he supposed it had reference only to Wilkinson's finances and not to the treaty. Yet in November, 1797, he informed the secretary of state that the object of Wilkinson and his friends was to detach Tennessee and Kentucky from the Union, unless the treaty were carried out. He also reported a more extensive plan in which Wilkinson was to combine with Gayoso and Carondelet in revolutionizing Spanish America. The administration regarded the latter as highly improbable, and thus missed the real danger involved in the intrigue—the possibility that Wilkinson and his confederates might be bribed to undertake a western revolt. Cf. Wilkinson, Memoirs, II, 170.

any loss the conspirators might suffer. He mentioned the Yazoo as the possible southern limit of the proposed independent state, and informed Sebastian that it was not the purpose of the Spaniards to deliver the posts on the Mississippi. Sebastian believed the project untimely, but promised to communicate it to his friends.

Power then went to Wilkinson's headquarters at Detroit, and endeavored to persuade him to head the new revolution and become the Washington of the western country. Wilkinson, however, refused to consider the matter, for he felt that the treaty, conceding the free navigation of the Mississippi, had destroyed the efforts of himself and his companions for the past ten years. Never again would the western settlers entertain a proposition for separation from the Federal Government. His own honor and employment would not permit him to continue his correspondence with the Spaniards. He had destroyed his cipher and the previous letters, so that he was relieved of this intrigue, but he speedily showed that he was not willing to make this relief permanent. He counseled the Spanish officials to fulfill the treaty; then perhaps his own government would place him in command of the Natchez district, where he might have many opportunities for new projects. The general also displayed his ruling passion when he asked Power if he had brought him the $640 which was due on the last instalment of his pension.

So filled with fear was Wilkinson that he went through the form of arresting Power and sending him under guard to New Madrid. Therefore Power had no opportunity for another interview with Sebastian and his friends. Some months afterward Sebastian went down the river to confer with Gayoso, who by this time had succeeded Carondelet at New Orleans. He told the governor that the time was unfavorable for secession. If they should ever become convinced that their affairs demanded a separation from the Federal Government, they would be able to undertake it alone, and then could treat securely with the Spaniards for the navigation of the Mississippi.[19] Thus Carondelet failed in his last appeal to western disloyalty. Ellicott believed that the Spaniards greatly overrated the advantage to be derived from such intrigues. The time had passed when such a course promised success, but Ellicott's own reports were too greatly exaggerated to arouse the governmental authorities against the real peril.

So far the people at Natchez had a very indefinite knowledge of the controversy between the American commissioner and the Spanish officials. In the latter part of May Carondelet issued a proclamation warning them against the "improper measures" of certain evil-disposed persons. He explained that the suspension of the treaty was due to the threatened British

[19] Cf. note 17.

invasion. His explanation offended all British sympathizers, of whom there were many in the district. With these and the leading landowners largely against him, the days of Spanish jurisdiction were numbered.

Ellicott now endeavored to organize his adherents by encouraging a general meeting at which they should declare themselves American citizens. With only a feeble garrison of fifty men, Gayoso dared not resist the circulation of petitions for this purpose. The situation was so tense that the least opposition threatened to precipitate an outbreak. This occurred on June 9, when Gayoso arrested a Baptist preacher who had personally menaced him. The people at once rose, threatened to seize the commandant, and forced him and his fellow officials with their families to take refuge within the fort.

This virtual abdication of authority caused a general loosening of all restraint throughout the district. Ellicott sought to turn the situation to the advantage of the United States by assisting those who wished to become American citizens to organize for protection and the maintenance of order. He circulated lists to be signed by these prospective citizens, and at the same time Pope promised to protect all those above the thirty-first parallel, which he tentatively placed at twenty-nine miles below Natchez. They must, however, assist his soldiers in repelling any attempt to strengthen the Spanish garrison.

Gayoso instructed his men to defend themselves to the last extremity. Pope's actions, which measurably justified his nickname "crazy," seemed designed to exasperate them. A clash between the rival patrols was narrowly averted. Exerting himself to prevent hostilities, Stephen Minor, a naturalized Spanish subject acting as Gayoso's secretary, brought the latter to an interview with Pope and Ellicott. Gayoso blamed the Americans for the outbreak and threatened to bring the Indians down on the settlement. Pending a final adjustment he agreed to regard as neutral the people living in the territory above the designated boundary.

Meanwhile a meeting of the leading citizens of the district had selected seven men to serve with Ellicott and Pope as a temporary committee of safety. This committee secured Gayoso's reluctant consent to measures for securing neutrality and for the selection of local officials. The agreement brought the tumult to a close. Carondelet ratified the action, because he could not help himself, but he complained of the course pursued by Pope and Ellicott, and through Casa Yrujo requested the American government to restrict them to their proper functions. Early in July a permanent committee, appointed jointly by the temporary body and Gayoso, assumed charge of affairs. In November the inhabitants put an end to Spanish control in the district by refusing to receive Colonel

Carlos de Grand Pré as commandant. In the following month Captain Isaac Guion definitely established American jurisdiction there.

These changes were not accomplished without arousing the opposition of Anthony Hutchins and his friends, who attempted to organize a committee of their own. Their purpose was to elect a territorial delegate before Congress organized the district and secure their individual land claims. By its delay in authorizing a territorial government, Congress created the impression that the treaty would never be carried out. Many were thus led to ally themselves with the Spanish party. In emphasizing their personal claims, Hutchins and his adherents ignored the American right to the whole district. In a similar manner the residents of West Florida later desired American intervention without giving up the vacant lands.

In September, 1797, Ellicott learned of Blount's conspiracy, and with the permanent committee, devised measures against it in the district and among the Indians. By this time he had become extremely censorious of colleague as well as of opponent. He suspected that the conspiracy might be part of the larger plan to revolutionize Spanish America, in which he implicated Wilkinson. He also reported that the general was tampering with Indian agents in an attempt to break up the boundary survey. This made him anxious to proceed with it as soon as the Spanish gar-

rison should withdraw from Natchez. At the same time the Spaniards thought that he and Pope were accomplices of Blount, for such friends of the latter as came to Natchez rallied around them. Their suspicions were heightened by the reports that Wilkinson was gathering troops around the lakes and Guion entrenching himself at Chickasaw Bluff, both with evident hostile intent against the Spaniards. Ex-Govnor Matthews and Judge Miller of Georgia, agents for one of the groups of Yazoo grantees, not only stimulated land disputes in the locality, but suggested possible complicity with Blount. For a brief period the Tennessee leader rivalled Burr's later reputation as the bogie of frontier disturbance.

In the following year David Humphreys, American minister to Spain, used the Blount incident as evidence that his country was unwilling to profit at Spain's expense. He assured Saavedra, Godoy's nominal successor, that republican neighbors were not so bad, after all. His countrymen had no desire to expand by conquest, or to interfere in the domestic affairs of other nations. Sound policy and common sense must lead the United States to develop its vacant territory, preserve neutrality, and encourage commerce with His Catholic Majesty, rather than plan hostile expeditions against his dominions.[20]

[20] Letters of D. Humphreys, Apr. 20, 1798, MS., Bureau of Indexes and Archives, Department of State.

Humphreys could well afford to assume this virtuous tone. Before French influence had forced Godoy into temporary retirement, he had definitely ordered his subordinates to carry out the treaty with the United States. By this concession he completed the service begun some two years before in signing the treaty. He had no assurance that his tardy action would long content American ambition; but he knew that because of it, the French would derive less satisfaction from the retrocession of Louisiana.

After the Spaniards had determined to deliver the Natchez district to the Americans, the next step was to run the boundary line. On January 10, 1798, Gayoso wrote Ellicott that he was ready to begin this work, but the Quaker surveyor expressed little confidence in his declaration, and during the next two months found many reasons to justify his lack of faith. The question of military escort for the surveying party, the delay in withdrawing the garrisons from Walnut Hills and Natchez, the fear that the Spaniards, by stirring up the Indians, were trying to prevent the survey,—all of these matters, coupled with his past experiences, forced Ellicott to doubt Gayoso's sincerity. Wilkinson's protest against the delay and the reported Indian intrigues did not give him any more confidence.

In the middle of March Ellicott's friend, Stephen Minor, was appointed as Spanish commissioner on the boundary survey. The ill-feeling between him and

Gayoso, however, threatened still further to retard proceedings. Moreover Gayoso lacked scientific men and the necessary instruments. This lack was met in a measure by the appointment of William Dunbar as temporary representative for the Spaniards, and the purchase of his instruments. Yet this gave Ellicott little assurance that the Spaniard was in earnest. On March 23, however, the Spanish garrison evacuated Walnut Hills. Three days later José Vidal, Minor's secretary, informed Guion that he lacked the necessary transports to convey the rest of his men down the river. Guion pointedly told him that the dignity of his country could no longer brook evasions, and gave him a peremptory order to evacuate Natchez before the 31st. On the last Wednesday of the month the Spanish officers waited on Ellicott and Guion in a formal leave-taking, and two days later, without any definite ceremony, abandoned the fort.

Following the departure of the Spaniards, Ellicott conducted his party down the river and began operations to mark the thirty-first parallel; but the nature of the country and the condition of the river delayed him for nearly a month. On the 21st of May, Minor and a party of laborers joined him, and Dunbar appeared on the 26th. Gayoso had protested against their beginning before his arrival and did not join them until May 31. Ellicott believed that if he had not proceeded without him, the Spaniard would not have appeared during the whole season.

Gayoso had to cut short his interview with Sebastian in order to join the boundary commission. On his way up the river he met John Montgomery Brown, bearing letters from the governor of Kentucky and from Wilkinson. The general briefly mentioned the vigilance of his enemies, spurred on by Humphrey Marshall's bitter attacks, and warned Gayoso not to trust the western people any longer. This advice, so contrary to Wilkinson's former views, aroused the Spaniard's suspicions. He believed that the general, having abandoned his Spanish connection, was determined to keep Sebastian or any of the other conspirators from continuing them.

By this time Gayoso had entirely lost confidence in the western people, whom he regarded as mercenary or seditious, and was equally suspicious of the American government. He commented to his superior on the forces already gathered in Natchez, and these, according to rumor, were to be greatly increased. Wilkinson was even to move his headquarters there. The most favorable interpretation that he could put on these movements was that the American government intended them against France, in case that power declared war and attempted to use Spanish territory for hostile operations. As Wilkinson had sufficient forces to prevent this, Gayoso determined not to break with him but await a more favorable turn in conditions. Yet he fancied that with adequate resources he

could still control a large party among the Americans, or repel any hostilities on their part.[21]

Meanwhile the party on the boundary line was much disturbed by threats of the Choctaws to break up the survey. This menace was greatly exaggerated by the agent, Samuel Mitchell.[22] With this task once well under way and with the difficulties in the Natchez district settled by the withdrawal of the Spanish garrison, Gayoso reported general conditions to Saavedra. He felt that the treaty now being carried out gave the United States the balance of power in North America. Ultimately that nation planned to control the whole continent. Its rapid advance and unconcealed ambition rendered this very probable. The Spanish sovereign would profit, then, if at the next general treaty in Europe he could substitute the Yazoo for the thirty-first parallel. The Americans could not justly complain of this enforced retrocession if they still retained the navigation of the Mississippi.

The Spanish government had gained nothing by granting concessions in the treaty of 1795, for the American government still maintained friendship with Great Britain, failed to restrain the Indians, and wished to push trade with them west of the Mississippi. By holding Natchez the Americans could cut the communication between upper and lower Louisi-

[21] Cf. note 17.

[22] Ellicott to Pickering, Feb. 20, 1798, Ellicott and the Southern Boundary, MS., Bureau of Rolls and Library.

ana, especially if working in harmony with the British in Canada. Such a combination would gain control of the highway to the Pacific, and with it the mastery of North America. The only thing that kept them out of Louisiana and the Floridas was the jealousy between the eastern and western portions of the United States. Gayoso believed that this would eventually lead to a separation which would force the West into an alliance, either with Spain or with England. He referred to the earlier attempts to bring this about, and the more recent efforts which had been suspended by the treaty, yet he was determined to maintain a good understanding with the Kentuckians, so as to attract them in another crisis.[23] Thus with true Bourbon insistence he persevered in a policy already outworn.

In this same letter Gayoso suggested a method by which he might counteract American advance. The Spanish land system was much more liberal than the American, and this would lead many to emigrate from the United States to the Spanish dominions. Gayoso was not inclined to permit this too freely, especially in the country west of the Mississippi, for he pre-

[23] Gayoso to Saavedra, Nov. 22, 1798, Spanish Transcripts, Missouri Historical Society; Robertson, No. 4665 in List of Documents in Spanish Archives, Relating to the History of the United States, Carnegie Institution, Washington, 1910. The documents thus listed will hereafter be referred to by number only.

ferred to settle French Canadians there. Numbers from the Natchez district wished to move below the line. Among them were Anthony Hutchins and his friends, but Gayoso excluded them because they had seemed unfriendly during the recent crisis. Moreover Hutchins still received half pay from the British government.[24] Gayoso permitted others to settle in the Feliciana district and still others to form a community on the Pearl River. He was suspected of aiding Zachariah Cox,[25] in order to attract discontented American citizens. Gayoso assured Daniel Clark that his purpose was not so much to entice immigrants from Mississippi Territory as to encourage a progressive population in the Floridas and Louisiana.[26] Within a decade his successors were to find these settlers altogether too progressive.

The prospect of Wilkinson's arrival in the Natchez district aroused much interest. Daniel Clark the elder was especially gratified to learn of it. They were both good republicans, he wrote, who loved, honored, and served their country. Evidently Wilkinson's coming was heralded by ugly rumors, for Clark stated that he had not heard that the general had ever held a commission in the Spanish service, and no Anglo-

[24] Ellicott, Journal, 182.

[25] For Cox's plans see Quarterly of the Historical and Philosophical Society of Ohio, 1913, 29–114.

[26] D. Clark, Jr., to Wilkinson, Nov. 30, 1798, Letters Received, MS., War Department.

American in the district would be more likely to know than himself. He advised Wilkinson not to be disturbed by these reports, which only proved the worth of republican institutions. Under a despotism no one would dare utter them. He mentioned the fact that the line of demarcation was still in *statu quo*. Patience had been characteristic of the United States from the days of Fabius [Washington] to the present time, but he hoped that Wilkinson was now coming with a sufficient force to cause the treaty to be carried out.[27]

Wilkinson's arrival at Natchez, about the middle of August, 1798, caused considerable stir below the line, and induced Gayoso to organize his militia. This led Ellicott later to write to the secretary of state that "the fears and jealousies of the Spanish nation" would shortly result in its losing all the country on this side of the Mississippi.[28] Clark himself expressed a wish to eat his Christmas dinner in New Orleans with "Governor Wilkinson." To bring this to pass he offered the assistance of his entire family. "I tell you, General," he wrote, "you must take New Orleans ere permanent tranquility can reign in the United States, or agriculture and commerce flourish. These

[27] D. Clark to Wilkinson, Mar. 18, 1798, Letters Received, MS., War Department.

[28] Ellicott to Pickering, Nov. 8, 1798, Wilkinson, Memoirs, II, 184 n.

objects I am anxious to see accomplished ere I attain my three score and ten, to which you know I have but two or three years to run."[29]

In January, 1799, Ellicott was in New Orleans on a visit, partly official and partly social in character. While there Daniel Clark, Jr., furnished him with conclusive evidence that the Spanish authorities had not intended to carry out the treaty in 1797. Clark felt, however, that recent British naval victories and the tone of the last presidential address had induced them to pursue a different course. Ellicott's report on the Spanish tenure in Louisiana was prophetic. He had thought their hold on Natchez very weak, but that on New Orleans still more so. "I am convinced," he wrote, "the present government might be abolished by the materials within itself, and that with but little risk to those who might undertake it, and what contributes considerably to this weakness is the general opinion of the inhabitants that it will unquestionably before many years, be annexed to the United States. The arrival of Gen. Wilkinson has greatly strengthened that opinion. For my own part, I cannot see any advantages that the United States might derive from owning this province at present." He believed that the Americans would profit more from its trade and commerce while in Spanish possession than if in their

[29] Wilkinson, Memoirs, II, 122.

own, and he favored its occupation by the United States should any European nation threaten it.[30]

From this point on, Ellicott's work has but incidental bearing on West Florida. In due course of time the surveying party established the line on the Mobile, when the Spaniards to their regret learned that Fort St. Stephens came above it. Despite rumors of Indian hostility, encouraged in a measure by the "crooked talks" of Vizente Folch, the commander at Pensacola, Ellicott also surveyed along the Appalachicola. Beyond this point the attitude of the Creeks became so threatening that Ellicott did not attempt to run the line overland. After reaching the St. Mary's River, Ellicott completed his task on April 10, 1800, more than three years after he had first reached Natchez. During this time he had been much more than a surveyor, but he firmly believed that his varied services more than justified his large expense account.[31] With our present information this claim seems reasonable.

Events in the Natchez district during these critical years of transition afford many points of comparison with later developments in West Florida. There was the long-drawn dispute with Spain over the terms of a treaty, finally decided more by the exigencies of

[30] Ellicott to Pickering, Jan. 13, 1799, Ellicott and the Southern Boundary, MS., Bureau of Rolls and Library.

[31] Ellicott, Journal, passim.

European politics and by happenings on the frontier than by the skill of the American diplomats or the essential justice of their contention. The Spaniards were attempting to control a pioneer population, alien in spirit, custom, and political training, but land hungry and unscrupulous in appeasing their appetite. It was inevitable, then, that charge and countercharge, intrigue and evasion, should finally result in revolt. Fortunately the period of disturbance was brief and bloodless; the neighboring savages were not drawn into it, or outside nations involved. Yet it established a precedent, and led the United States to pursue a similar course, deviously but without intent, through the neighboring West Florida into Texas and distant California.

CHAPTER III

The Louisiana Purchase and the Floridas

Diplomatic success at the Escorial and the subsequent occupation of Natchez did not afford complete security to our southern border. Although Spain still possessed New Orleans and the Floridas, there were persistent rumors that these coveted possessions, along with the whole of Louisiana, were about to pass under the control of the French. Washington had regarded the latter as "unpleasant" prospective neighbors to our Trans-Allegheny possessions, and Secretary Pickering thought that Spain should be equally concerned for Mexico.[1] The American alliance with France had been "a mere scrap of paper" since Genêt's mission, so that it would be necessary to exert pressure elsewhere to prevent the transfer. Our ministers to England and Spain were so instructed. King in London elicited little sympathy from British officials, who were evidently unwilling to intervene without a definite alliance with the United States;[2] but Humphreys, after a special trip from Portugal to

[1] Washington to Pickering, Feb. 14, 1797, Miscellaneous Letters, MS., Vol. 22, Bureau of Indexes and Archives; Pickering to R. King, Feb. 14, 1797, King, Rufus King, II, 147.

[2] King, Rufus King, III, 572.

Madrid, secured from Godoy's rival, Urquijo, an assurance that France would never get Louisiana while he was in office.[3]

Scarcely a year elapsed before the assurance of the Spanish minister was shown to be worthless. The Treaty of San Ildefonso provided for the retrocesson of Louisiana, while the new American agreement with Bonaparte removed such protection as the former alliance gave.[4] The French were evidently preparing to limit American holdings by the Appalachians rather than by the Mississippi, as Collot had advised them to do.[5] Their agents, Milfort and Fulton, were already at work among the Creeks, and to the great concern of Ellicott and Governor Sargent were planning closer connections with Clark and other western filibusters.[6] Aroused by this Gallic propaganda, the attorney-general advised more definite military precautions in the Southwest. Wilkinson should oppose the passage of French troops up the Mississippi, even if under the Spanish flag, and if necessary he might invade the Floridas to attack them.[7] In the following

[3] D. Humphreys to Secretary of State, Aug. 6, 1794, Letters of D. Humphreys, MS., Bureau of Indexes and Archives.

[4] Adams, History of the United States, I, 365.

[5] Ibid.; King, Rufus King, III, 414.

[6] Turner in American Historical Review, X, 270, 271; American Historical Association, Annual Report, 1903, II, 1097.

[7] Steiner, The Life and Correspondence of James McHenry, 439.

year Hamilton, as the active head of the American army, planned a series of military campaigns beginning on the Florida border that were ultimately to include all Spanish America. Fortunately Adams preferred diplomacy to militarism, and thus prevented the Floridas from becoming either the Belgium or the Balkans of America.

Jefferson openly maintained a friendly attitude toward France and Spain, but he still was apprehensive in regard to the proposed cession. His first concern was to learn if it provided for American privileges under existing treaties; his next, to secure an extension of these privileges. The most obvious method was the purchase of part or all of the territory in question east of the Mississippi, where the navigation of the Mobile was presenting a problem secondary only to that of the navigation of the Mississippi.

Shortly after arriving at his station, Charles Pinckney, our new minister to Spain, essayed this double task. The Spanish secretary, Cevallos, who was so long to prove the bête noir of the American diplomats, gave him little satisfaction about the rumored treaty or existing guarantees. Finally Cevallos told the American that if the "King His Master" should think proper to cede Louisiana to another power, he would preserve all the rights of the United States. Pinckney advised that Livingston should attempt to secure

a more definite pledge from the French government.[8]

In his second object Pinckney was even less successful, although he was authorized to tempt the Spanish government to part with the Floridas by offering a guarantee of the remaining Spanish colonies west of the Mississippi. This was the offer that Jefferson, as secretary of state, had empowered Carmichael to make a decade before. To make it with effect Pinckney assumed, as he then fully believed, that the Floridas did not form part of the Louisiana Province, although New Orleans did. Moreover he represented the desired cession as an act of mutual helpfulness, "essential to [his nation] and not at all injurious to the other." If granted it would "fix forever such a great Natural Boundary between the dominions of Our Good Friend, His Catholic Majesty and the United States, as will leave no possible room for difference hereafter, with the Nation for whom the United States cherished so much affection."

The American minister also pointed out the fact that the Floridas had never been productive, and with Louisiana in the hands of France, would be still less valuable to Spain. On the other hand the navigation of the Mobile and other streams was necessary to those Americans residing on their upper courses.

[8] American State Papers, Foreign Relations, II, 481, 482. The manuscript copy in Spanish Dispatches, MS., VI, Bureau of Indexes and Archives, contains some significant passages omitted in the folio edition.

Aside from their commercial advantage and the establishment of a natural boundary like the Mississippi (which he mistakenly called a "barrier"), he had no material motive in pressing for the cession. "Our government," he emphatically asserted, "being one without ambition, never wishing to extend its territory except in so similar a case as this, and never having the least idea or desire to possess colonies or more than they own, except in this single instance, they trust that His Majesty will on this occasion consent to the sale and transfer upon such reasonable terms as may be agreed upon by the two nations."[9]

Notwithstanding the "affectionate terms" in which Pinckney had proffered his request, he did not expect the Spanish officials to receive it with favor. They were already enraged over the recent forcible cession of Trinidad to Great Britain, and might hesitate to introduce another power into the Mexican Gulf. Nor were they free to act without the consent of the French. Moreover, the American diplomat perceived a domestic difficulty. How could the Floridas, having never formed part of the original States, be constitutionally received into the American Union? "We shall however," he added comfortingly, "have full time to consider the question, as the Spanish court moves slowly in important negotiations."[10]

[9] Pinckney to Cevallos, Mar. 24, 1802, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

[10] Pinckney to Madison, Apr. 20, 1802, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

Evidently they would have full time, for Cevallos guardedly replied that the proposal for the sale of the Floridas was of such great importance that his government must consider it with the utmost circumspection.[11] Bonaparte himself afforded an additional reason for this circumspection. Determined to gain the Floridas along with Louisiana, in November, 1802, he proffered Parma in exchange. Godoy, once more in power, affected to dicker with the French representative, Beurnonville, and thought that on this basis the First Consul ought to be satisfied with West Florida alone. The Frenchman peremptorily asked for a definite answer to his offer, and Godoy informed him that the king was unwilling to sacrifice any further territory in America for a new monarchy in Europe.[12] From a later statement of Beurnonville, Pinckney believed that his own offer to buy the Floridas was largely instrumental in defeating the French attempt, but the concurrent opposition of Great Britain and Russia was doubtless even more potent.[13] Certainly

[11] Cevallos to Pinckney, Apr. 7, 1802, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

[12] Archives des Affaires Étrangères, Louisiane et les Florides, 1792–1803, MS., Supplement, Vol. 7, 232–287, passim, Ministère des Affaires Étrangères, Paris. Talleyrand also advised Napoleon to content himself with West Florida. Cf. page 74.

[13] Pinckney to Madison, Jan. 24, 1804, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives; Livingston to Madison, Feb. 5, 1803, American State Papers, Foreign Relations, II, 532.

Pinckney obtained no satisfaction when, in response to a petition from residents on the upper Mobile, he requested the Spanish government to put that stream on the same footing as the Mississippi.[14] While waiting for the response of the Spanish authorities, he made a leisurely trip to Italy. His secretary, John Graham, thus had the opportunity to write Madison that if American rights on the Mississippi were preserved, they might expect similar privileges on the Mobile; otherwise, not. They could expect little from the evasive policy of the Spaniards. With regard to the inclusion of West Florida in Louisiana, Graham learned, probably from the French minister, that the boundaries were those laid down in the Treaty of 1763, but his informant added significantly, "We have not yet taken possession of it."[15]

Despite the hope or threat implied in these words, it is evident that none of the diplomats at the court of Spain believed that power ready to alienate the Flor-

[14] Hunt, Writings of James Madison, VI, 448, 449. This was doubtful in view of Morales' recent action. Cf. page 75.

[15] John Graham to Madison, Nov. 29, 1802, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives. Perhaps Graham's attitude was determined by the wishes of his superiors. He may have been sent to Madrid to check the erratic Pinckney and to give Madison inside information of that minister's actions. If so, it is an interesting commentary on the mutual lack of confidence existing between the South Carolinian and the Virginia statesmen. The same distrust characterized the relations between the latter group and the incumbent in the Paris ministry.

idas, and certainly none of them regarded the alienation as already accomplished. In London Rufus King reported the British authorities as indifferent. Lord Hawkesbury seemed to think it immaterial whether Louisiana included New Orleans and the Floridas or not. As a wilderness area the whole region would be valueless for years to come. Later, when war with France seemed probable, the British became more interested in the region and planned to occupy it provisionally or to permit the United States to do so. But this change did not indicate any marked friendliness for the latter nation.[16]

Paris was the real center of diplomatic pressure during this eventful year, and after his arrival there as minister, in December, 1801, Robert R. Livingston did not intermit his efforts to aid his colleague Pinckney. Talleyrand told him that the cession of Louisiana had been merely a subject of conversation between France and Spain. Another minister, probably Barbe-Marbois, said that Louisiana was not theirs to use even partially for paying their debts.[17] Stirred up by reports from the frontier, Jefferson affected to regard the prospective danger from French neighbors as sufficient to justify a British alliance. As usual his second thought was less belligerent, for he preferred to

[16] King, Rufus King, IV, 17–19, 146–148.

[17] Livingston to Secretary of State, Dec. 10, 1801, Dec. 12, 1801, American State Papers, Foreign Relations, II, 512.

buy New Orleans and the Floridas from France, if that power now possessed them and was ready to sell on favorable terms.[18] At the same time he wrote Dupont de Nemours that such a cession would be only a "palliation" for the "vicinage" of France. But even so, if the United States should secure it, the boundary of our country would then be sufficiently extensive, and the "chain of the American Union rendered too strong to be weakened for several centuries."[19]

Although the Americans hoped to gain the Floridas through the influence of the French, Livingston pursued a course little calculated to enlist their sympathy. While Napoleon, incensed at the earlier failure to extort the Floridas from Spain, along with Louisiana, was striving to obtain them by proferring Parma, or Parma and Placencia together, the American minister assumed that France did not yet possess them and proceeded to make sure that she should not. Aware that the two governments were disputing on this point, he told De Azara, the Spanish ambassador in Paris, that Spain ought to keep the Floridas as security for South America.[20] What she should do to counteract American possession of the Floridas he did not state. He disputed with Collot and Adet over the

[18] Jefferson to Livingston, Apr. 18, 1802, Ford, Writings of Jefferson, VIII, 143.

[19] Jefferson to Dupont de Nemours, ibid., 203.

[20] Livingston to De Azara, May 28, 1802. American State Papers, Foreign Relations, II, 518.

possible inclusion of Mobile and Pensacola in the cession to France.[21] He contended that the territory east of the Mississippi was of little economic value to France or Spain, but of great strategic importance to the United States. He even hinted that Great Britain might join his country in protesting against an increase of French power on the Gulf.[22] By such "short hints" he pursued with little success his double object: to keep the Floridas from France and to gain them, wholly or in part, for the United States. France did not get the desired provinces, but her failure was due to the fact that the obstinacy of Charles IV and his advisers far surpassed Livingston's persistence as a diplomatic factor. The American also retarded his cause by associating commercial claims with it. Having once made this unacceptable combination, it seemed impossible for American diplomats to dissociate the claims and the Floridas.

It was at this time that Livingston also presented another characteristic phase of the future negotiation. Failing to awaken a response by his offers to purchase the entire Florida area, he expressed a willingness to

[21] Livingston to Secretary of State, June 8, 1802, ibid., 519. Thomas Sumpter, who acted as secretary of the legation, charged that Livingston was planning with Daniel Parker and others to make a real estate speculation out of the Florida negotiation. Cf. Sumpter to Monroe, Oct. 1, 1803, Monroe Papers, MS., X, 1219, Library of Congress.

[22] Livingston to Minister of Exterior Relations, Jan. 10, 1803, American State Papers, Foreign Relations, II, 531.

content himself with West Florida alone. This would give the United States control of the eastern bank of the Mississippi and the shores of Mobile Bay. New Orleans and East Florida would enhance the value of this limited area; but, if they were unattainable, the Americans might construct a channel to the sea by way of Manchac and the Iberville and thus render their upper settlements independent of the future Crescent City.[23] The United States would also be able to disregard any feeble colonies that France could maintain west of the Mississippi, and even acquiesce in her possession of Pensacola and St. Augustine. This emphasis upon the strategic and commercial value of West Florida may account for his later insistence, contrary to his earlier views, that West Florida formed part of Louisiana.

Another, even more influential than he, held a similar opinion. In November, 1802, Talleyrand wrote Napoleon: "West Florida suffices for the desired enlargement of Louisiana. It completes the retrocession of the French colony, such as had been given to Spain. It carries the eastern boundary back to the river Appalachicola. It gives us the port of Pensacola and

[23] The British had considered the feasibility of such a channel, while possessing West Florida. Knowledge of this fact may account for the similar views of Jefferson and Gallatin. Cf. Jefferson to Dr. Hugh Williamson, Apr. 30, 1803, Works of Jefferson (Memorial Edition), X, 385; Gallatin to Madison, Feb. 7, 1803, Hunt, James Madison, VII, 32.

the population which forms more than half that of the two Floridas. By leaving East Florida to Spain we much diminish the difficulties little felt today but which some day may become of the greatest importance."[24] Talleyrand did not persuade the other to abate his demand for both the Floridas. In that same month the First Consul offered to exchange Parma for them, but without result. With Talleyrand advising Napoleon to accept West Florida, in lieu of a better bargain, and with Decrès counseling him to "think well" before taking Louisiana without Mobile,[25] Livingston's efforts to gain the same region were likely to be futile.

On October 16, 1802, Juan Ventura Morales, the intendant, definitely suspended the American right of deposit at New Orleans. This unexpected act, arousing the entire West and galvanizing Federalist opposition, demanded some immediate diplomatic achievement. A special mission seemed the most promising method. Monroe was asked to associate himself with Livingston and Pinckney in the endeavor to secure the Floridas and settle once for all the vexatious questions of western navigation. If he failed to secure the coveted territory, the administration hoped that he would at least obtain an "enlargement" of the right

[24] Adams, History of the United States, I, 401, 402.

[25] Minuit de Decrès, 13 Vendémiaire An XI, Archives des Affaires Étrangères, Louisiane et les Florides, MS., Vol. 7, supplement.

of deposit, to include all rivers passing from American territory to the Gulf through the Floridas.[26] In the combined diplomatic and domestic problem thrust upon them Jefferson and Madison thought half a loaf better than none.

For a time it seemed likely that Livingston, spurred into redoubled activity, would fail to secure even this modest concession. Having found Talleyrand a doubtful channel for his communications to Napoleon, he availed himself, as before, of such intermediaries as the friendly Lebrun and even Joseph Bonaparte. Finally a suggestion to use the American claims against France in the proposed exchange drew from Talleyrand the crushing declaration: "It is entirely opposed to the maxims of Government, adopted by the Republic, to mingle important and delicate political relations with calculations of account and mere pecuniary interests."[27] After assuming this virtuous tone it must have been doubly bitter for Talleyrand, a few weeks later, to offer the whole of Louisiana to the persistent American.

Livingston could interpret this offer only in keeping with his obsession for the Floridas. France did not expect to obtain them, along with Louisiana, and so regarded the latter as of little worth. He told Tal-

[26] Madison to Pinckney and Monroe, Feb. 17, 1803, American State Papers, Foreign Relations, II, 533.

[27] Talleyrand to Livingston, 1 Ventôse An XI (Feb. 19), 1803, ibid., 546.

leyrand that the Americans did not want Louisiana; but at once wrote Madison that if they should get it, they should exchange all that portion west of the Mississippi for the Floridas.[28] This, to paraphrase his own words, seemed like disposing of the skin before he had killed the bear; but it showed that after months of vacillation he fully believed that France had not acquired the coveted territory. Yet when the conscienceless Napoleon performed this act of slaughter for him, he completely reversed himself, and in the process carried with him his unacceptable colleague, Monroe, and the entire administration, with the possible exception of Gallatin.[29]

In Spain, Pinckney not only protested against the suspension of the deposit, and with success, but renewed his previous proposal to purchase the Floridas. To render this more acceptable he now offered for the first time to guarantee the Spanish possessions west of the Mississippi.[30] What he or his superiors hoped to accomplish by this offer, after the failure to carry out a similar guarantee with France, under the Treaty of 1778, does not clearly appear, but it indicates their anxiety to gain the Floridas.

After allowing the Spanish minister a month to re-

[28] Livingston to Madison, Apr. 11, 1803, ibid., 552.

[29] Cf. pages 101, 228.

[30] Pinckney to Cevallos, Feb. 17, 1803, Letters of C. Pinckney and R. Livingston, MS., Bureau of Indexes and Archives, Department of State.

flect upon his generous offer, he reverted to the subject from a different standpoint. The number, resources, position, and spirit of the western Americans rendered it problematical how much longer they would submit to Spanish exactions upon their commerce. Should they take affairs in their own hands the Spaniards could not resist their onset, nor could the eastern States check them, granted that they cared to do so. He wished this statement to be taken as an evidence of sincere friendship, rather than of threatening ambition. His country desired a lasting peace with His Catholic Majesty, and to ensure it was willing to purchase the Floridas at a fair price and obligate themselves to defend the Spanish possessions near them. If Spain, however, should persist in her restrictive commercial policy, war would be inevitable. "We must have the free navigation of the Mississippi" (and he might have added "of the Mobile") "or we will take it by force."[31]

This vigorous memoir preceded by one day his announcement of Monroe's special mission. At the same time he asked Cevallos if there was anything in the treaty between France and Spain that affected the existing rights of the United States, or prevented compliance with his proposition to buy Florida. In answer to his first question Cevallos sent him the third article of the Treaty of San Ildefonso, which Pinckney

[31] Pinckney to the Prince of the Peace, Mar. 21, 1803, ibid.

at once forwarded to Paris. It may be that this article was inserted verbatim in the subsequent treaty between France and the United States, because Monroe and Livingston had this official copy before them. If so, the Spanish minister unwittingly rendered the Americans a service that was to prove extremely embarrassing to himself.

In answer to his second question Cevallos sent a brief but pointed reply: "The system adopted by His Majesty not to alienate any of his estates deprives him of the pleasure of agreeing to the concession which the United States wished to obtain by purchase." After stating that France was to regain Louisiana "with the same limits it had, saving the rights accruing to other powers," he advised Pinckney that the United States would be able "to direct itself to the government of France to negotiate for the acquisition of the territories which may be conducive to their interests."[32]

In all probability the Spanish minister merely wished to end an unpleasant discussion with the Americans. He felt reasonably sure that France would be unwilling to negotiate in their behalf when she had not been able to gain the region for herself. Casa Yrujo was instructed to inform Madison of this decision. In doing so, he added that the Spanish king, by thus alienating his dominions contrary to the Treaty of

[32] Cevallos to Pinckney, May 4, 1803, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

Utrecht, would injure his reputation and arouse complaints among the great powers of Europe. Besides, such action would be discourteous to France after Spain's recent refusal to accept her advantageous offers.[33] Both Casa Yrujo and Cevallos speedily learned that Napoleon was by no means equally scrupulous in his dealings with them. On May 2 his minister signed with Livingston and Monroe the treaty that conveyed Louisiana to the United States.

The recipients of Napoleon's vast and unexpected gift prospered beyond their dreams, but not in the pathway of their instructions. This led east of the Mississippi, while they had wandered far to the westward. Despite the success that had overtaken them, they must still direct their efforts toward the Floridas, which for nearly a quarter of a century had been the goal of their countrymen. Moreover the defense of their new acquisition imperiously led them thither. West Florida intervened between New Orleans and the rest of the United States and still gave the Spaniards a chance to close the Mississippi. Thus the great problem of its commerce was by no means permanently settled, although with Louisiana in their possession, the Americans were in much better shape to insist upon a favorable solution.

At first neither American diplomat perceived the

[33] Casa Yrujo to Madison, July 2, 1803, Spanish Notes, MS., I, Bureau of Indexes and Archives.

solution afforded by the indefinite article that constituted the only description of their purchase. Each worked independently to secure for himself all the advantage that might be gained by further acquisition. Monroe, anxious to avoid additional expense, at first proposed to exchange the territory west of the Mississippi for the Floridas.[34] Even this required French assistance. Napoleon vaguely promised his aid; but when Spain presented her inevitable but unavailing protest against the alienation of Louisiana, he determined to protect her, at least from other aggressors than himself. He intimated to the special envoy that it was not a favorable time to negotiate at Madrid, and afterwards repeated this declaration so decidedly that Monroe withdrew to his new post in London to await developments.[35]

Livingston was equally unsuccessful in attempting to get a clearer definition of the acquisition. Napoleon's cynical threat to render the territorial article obscure, if it were not already so; Talleyrand's mocking encouragement to make the best possible bargain out of the treaty; and Barbe-Marbois' evasion over the claim to Mobile[36]—all of these pointed to but one conclusion: the Americans might interpret the treaty

[34] Monroe to Madison, May 18, 1803, Hamilton, Monroe, IV, 24.

[35] Monroe to Secretary of State, July 20, 1803, ibid., 44.

[36] Livingston to Madison, May 20, 1803, American State Papers, Foreign Relations, II, 561.

to suit themselves. Evidently Napoleon had intended to do so; at least the Spaniards later accepted this as the most obvious interpretation of the puzzling third article in the Treaty of San Ildefonso:[37] "His Catholic Majesty promises and engages in his part, to retrocede to the French Republic the colony or province of Louisiana with the same extent that it now has in the hands of Spain, that it had when France possessed it; and such as it should be after the treaty subsequently entered into between Spain and other states."[38]

It is true that the instructions to the French envoys at Madrid, and to General Victor, who was to take possession of the province, expressly follow the Treaty of 1763, and thus exclude West Florida from the cession. All documents relating to the transfer are to the same effect.[39] Yet Napoleon's general attitude toward Louisiana, to say nothing of other phases in his career, lead one to conclude that he would not have hesitated to use this article to force the cession of West Florida, whenever it suited his purpose.

[37] See the Memoir dated Dec. 23, 1814, in the manuscript volume, Papers in Relation to Burr's Conspiracy, Bureau of Rolls and Library, Department of State.

[38] De Clercq, Recueil de Traités de la France, I, 411.

[39] Adams, History of the United States, II, 5–10. The documents gathered by Mr. Adams from the French archives and deposited in the Bureau of Rolls and Library of the State Department give additional evidence to support this position. The correspondence of the Spanish colonial authorities in the Archivo General de Indias, Seville, is to the same effect.

Whether he intended to incite the Americans to the same end is immaterial. They were bound to get into a controversy with Spain over the article, and both parties must submit their quarrel to him as arbiter.

Previous to May, 1803, Livingston had contended that West Florida formed no part of Louisiana. It might be awkward to reverse himself so quickly, but few knew of his previous contention, and the public credit for obtaining the territory would far outweigh their disfavor. The ambiguous article lent itself to his purpose, although he had to adopt an interpretation that France had not asserted nor Spain allowed. Less than three weeks after the treaty he was ready to urge his belief upon Madison. "Now sir," he wrote, "the sum of this business is to recommend to you, in the strongest terms, after having obtained the possession, that the French commissary will give you, to insist upon this as part of your right; and to take possession at all events, to the river Perdido. I pledge myself that your right is good, and after the explanation that has been given here, you need apprehend nothing from a decisive measure." Eight days later he wrote Pinckney that West Florida, including Mobile, was regarded as part of the purchase and that he should act accordingly.[40] The conception, clever enough for the Corsican himself, proved irresistible

[40] Adams, History of the United States, II, 68–73.

to Monroe and later to his fellow-statesmen from Virginia. Their only regret was that they had not thought of it before it had occurred to the gentleman from New York.

Early in June Livingston persuaded his colleague to join him in advising Madison to act just as if West Florida formed part of the island of New Orleans.[41] On the 19th of the month Monroe wrote to Madison that his opinion on the southeastern boundary of Louisiana was "too clear to admit of a doubt."[42] He evidently intended by definiteness of expression to neutralize what Livingston had gained by priority. He then elaborated his opinion in a memoir, which forms the most complete statement that we have of subsequent American opinion upon the boundaries of Louisiana.[43] He affirmed that the Spanish government held views similar to his own, or at any rate that it would acquiesce in the occupation of the territory to the Perdido.

Monroe made a detailed examination of each clause in the puzzling third article. He interpreted the first —that the cession should comprise Louisiana "with the same extent that it actually has in the hands of Spain"—as if Spain since 1783 had considered West Florida as a part of Louisiana. At any rate if Spain

[41] American State Papers, Foreign Relations, II, 563–565.
[42] Hamilton, Monroe, IV, 38, 39.
[43] Ibid., Appendix II.

had governed the areas together, she had thus restored the former limit to the Perdido. The second clause—that "Louisiana shall comprise the same extent that it had when France possessed it"—he thought sufficiently obvious. It had only served to render the first clause clearer. Otherwise the fact that Great Britain had owned a part of the territory for twenty years under a different name might be confusing. The third clause—"and such as it ought to be after the treaties passed subsequently between Spain and other powers"—referred to the treaties of 1783 and 1795, and was designed to safeguard the rights of the United States. This clause, then, simply gave effect to the others, as was shown by some corroborative evidence from French sources.

According to Monroe, France never dismembered Louisiana while it was in her possession. On November 3, 1762, she conveyed New Orleans and the territory west of the Mississippi to Spain, and on the same day transferred the Floridas to Great Britain. After 1783 Spain reunited West Florida to Louisiana, thus completing the province as France possessed it, with the exception of those portions controlled by the United States. By a strict interpretation of the treaty, therefore, Spain might be required to cede to the United States such territory west of the Perdido as once belonged to France. Such was Livingston's conclusion, as elaborated by Monroe and later reinforced by Jefferson and Madison.

A few weeks later in London, Monroe informed Lord Hawkesbury that the Perdido was the eastern limit of the Louisiana Purchase. His lordship seemed favorably impressed with the idea, and thought that East Florida would likewise soon belong to the United States.[44] From Madrid, however, Pinckney reported that the Spanish authorities naturally held the opposite view; but if the United States made good its claim there would be little difficulty in getting East Florida on its own terms. Cevallos and Godoy, however, were more disturbed by the prospective transfer of Louisiana than by any mere question of its limits. Unless the Americans could induce France to assist them in gaining the Floridas, they were liable to have trouble over this unexpected interpretation of the treaty. Only through the exigencies of European diplomacy could they bring the Spanish king to accept it.[45]

Jefferson and Madison needed no urging from Paris to show them the desirability of claiming part of West Florida. They had an even stronger sense of the domestic value of such a claim than had their diplomatic representatives. Despite their meagre archival data and lack of touch with international affairs, they were determined to push their bargain to the uttermost. At

[44] Hamilton, Monroe, IV, 70.

[45] Pinckney to Madison (Private), Aug. 30, 1803, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

separate times during the negotiation both Livingston and Monroe had advised the administration to exchange part of the territory west of the Mississippi for the Floridas. Madison now warned them to entertain no proposition of the sort, but to collect the proofs necessary to substantiate their claim to the Perdido.[46] Jefferson had already included all the waters of the Mississippi and Missouri in the purchase.[47] Upon perusing the arguments of Livingston and Monroe he was ready to extend it to the Perdido, "the ancient boundary of Louisiana," and confidently expected to possess the whole Florida region, "all in good time," without sacrificing "one inch of the waters of the Mississippi."[48] Two weeks later he assured his secretary of state that their right to the Perdido was "substantial" and could be opposed "by a quibble on form only."[49] In the autumn he embodied his views in a pamphlet entitled "The Limits and Bounds of Louisiana," and this pamphlet, distributed in manuscript form, determined the future attitude of the administration and its adherents.[50]

Jefferson had asked some gentlemen on the border to give him their views on Louisiana cartography.

[46] American State Papers, Foreign Relations, II, 627.

[47] Jefferson to Horatio Gates, July 11, 1803, Ford, Jefferson, VIII, 249.

[48] Jefferson to John Breckenridge, Aug. 12, 1803, ibid., 242.

[49] Ibid., 245.

[50] Published in Documents Relating to the Purchase and Exploration of Louisiana, Boston, 1904.

Daniel Clark, the best informed of them, did not believe the cession extended beyond the line laid down in the Treaty of 1763, and Dunbar coincided with his view. The latter seemed to favor the exchange of territory west of the Mississippi for the Floridas. Clark thought the question must be settled by negotiation and concession. Claiborne and John Sibley of Natchitoches were inclined to favor the claim to the Perdido, but their views were evidently determined by policy rather than precise information. The substance of their replies afforded the president little comfort, but in summarizing them he still insisted on placing the boundary at the "Perdigo which enters into the Gulf east of Mobile."

Across the border Governor Manuel Salcedo was not at all certain about the territorial limits of Louisiana. He had earlier asked for instructions to guide him in regard to Mobile and contiguous territory. His associate, Vizente Folch, and his superior, Captain-General Someruelos, both told him that Spain retroceded to France exactly the territory that it had received forty years before. Therefore Louisiana did not include West Florida, which Spain had acquired from Great Britain. Occasionally the governor of Louisiana had exercised a personal control in West Florida, but this did not mean a merger of the two provinces.[51]

[51] Salcedo to Someruelos, Oct. 22, 1802, Folch to Salcedo,

Notwithstanding these explicit statements Salcedo persisted in his confusion. On December 13, 1803, he referred to Manchac and Baton Rouge as "that part of Louisiana which still remains to us," although in the same missive he reported that the transfer on November 30 to the French "included Louisiana only." In January he and his associate, the Marqués de Casa Calvo, asked the French commissioner to support their contention that "beyond doubt the limits on the east bank of the Mississippi remain fixed by the treaty of Paris." He made an acknowledgment to this effect, and furthermore told the American commissioners, General Wilkinson and Governor Claiborne, that Spain had peremptorily refused to include Mobile in the transfer. After a silence of some two months the Americans protested against any statement that might seem to infringe upon their full claim to Louisiana.[52]

By this time the passage of the Mobile Act, asserting jurisdiction over the disputed region, raised the question to one of international importance. The Spanish commissioners then asked Laussat to endorse their protest against American pretensions. Laussat

Nov. 22, 1802, Someruelos to Salcedo, Nov. 10, 1802, Feb. 28, 1803, Mar. 12, 1803, Spanish Transcripts, Department of Archives and History, Jackson, Miss. Cf. Robertson, 4874, 4877, 4882, 4895, 4896.

[52] Robertson, 4935–4937, 4949, 4950, 4961; Claiborne and Wilkinson to Madison, Dec. 27, 1803, Louisiana Purchase, MS., Bureau of Rolls and Library, Department of State.

complied, although he pursued a contrary policy in regard to Texas.[53] Perhaps, as Wilkinson then charged, he designed to start a controversy between the Spaniards and the Americans, from which his country alone might profit.

The American general, one of the chief actors in the transfer, evidently aspired to be its evil genius also. Despite his prominence as one of the American representatives, he did not hesitate to act as mercenary adviser for the Spaniards. Folch, the new governor of West Florida, and Casa Calvo, now an accredited Spanish boundary commissioner, were so impressed by his specious representations that they paid him a munificent sum outright and advised their superiors to secure his allegiance by additional largesses. In return he gave them some obvious suggestions about frontier defense that Folch himself combated in his accompanying letter.[54]

Wilkinson endeavored to impress Folch by claiming to know "thoroughly what was in the heart of the president." The executive was not always fortunate in selecting his bosom companions, but on this occasion

[53] Robertson, Louisiana under Spain, France, and the United States, 1785–1807, II, 168 ff.

[54] For the details of the intrigue, cf. Cox, "General Wilkinson and his Later Intrigues with the Spaniards," in American Historical Review, XIX, 794–812. For the memoir printed by Robertson (Louisiana, II, 325–347) but wrongly ascribed to Folch, cf. ibid., 798, note 11.

the general either greatly abused the confidences of his great friend or was using them with extraordinary finesse to advance his own fortunes. Jefferson, as we have seen, accepted the claim to West Florida and encouraged his supporters in Congress to declare it openly. Wilkinson advised Folch to protest against this and to enlist the aid of the French government to the same end. The president proposed to gain the Floridas without any material sacrifice elsewhere. His protégé, absolutely dependent upon his favor, did not hesitate to point out to the Spaniard, in return for a bribe already in hand, that the Floridas formed the key to the New World. With them in her possession Spain could still control American commerce on the Gulf and the Mississippi, exert a powerful influence over the neighboring Indians, and check every attempt of the United States to press its claims to the westward. By yielding them as a result of Monroe's projected mission, she could unlock the heritage of the Indies, and the western frontiersmen, "like the ancient Goths and Vandals would precipitate themselves upon the weak defenses of Mexico, overturn everything in their path, and propagate in their course the pestilent doctrines that had desolated the most valuable part of Europe and deprived whole kingdoms of their foundations." Yet Spain would do well to exchange the Floridas for the entire western bank of the Mississippi. She could even be generous in the pro-

cess and assume the existing public debt of the United States.

Perhaps Wilkinson depended upon this last suggestion to appease the economical Jefferson should he ever hear of this intrigue. He was anxious to make one great financial strike that would place him in easy circumstances for the rest of his life, and this proposal would certainly have accomplished his purpose had the Spanish authorities seriously entertained it. In the interim he sagely advised them how to defend West Florida, as well as Texas, and urged them to encourage the American policy of removing the Indians west of the Mississippi. Those so removed would become bitter enemies of the United States and would be more ready to assist Spain in protecting her western frontier.

Folch had some faith in Wilkinson, but doubted his accuracy. So he advised his superiors to keep the Floridas as a rampart for Cuba, and to gain the west bank of the Mississippi as well. Perhaps they might immediately cede some territory on its eastern bank. He was willing to repay what the United States had actually expended for Louisiana, but it would be political heresy to do more. More to the point was Casa Calvo's payment of twelve thousand dollars on account. Wilkinson, then and thereafter, offered various explanations of his ill-gotten store of Mexican silver, and despite the inconsistency of his excuses,

succeeded only too well in concealing the transaction that produced it. Other dealings of equally shady character were to mark the renewal of his intrigues with the Spaniards.

In the meantime, in connection with the ratification of the Louisiana treaty, the American Congress had so acted as to give point to Wilkinson's advice. In the Senate Pickering of Massachusetts voiced his opposition, because the limits of the purchase were so "unintelligible," especially on the side of Florida. Dayton, of New Jersey, with some inside information acquired during his recent sojourn in Louisiana, assured his fellows that the French prefect had no intention of being restrained by the Iberville, after his troops should arrive.[55] The suggestion was clearly too unscrupulous for his hearers. Congress rather preferred to follow the advice that Mitchell of Georgia gave the House: ratify the treaty, take possession of the territory, and then settle the disputed boundaries by joint commissions. John Randolph warned the House that if they waited to adjust limits before ratifying the treaty, they might never secure any of the territory. Acting as the spokesman for the administration, he stated definitely that the United States had gained control of the "mouth of the Mississippi, the Mobile, and of every river of note except the Appalachicola, rising

[55] Annals of Eighth Congress, First Session, I, 47, 48.

within the United States and falling into the Gulf of Mexico."[56]

To support his assertion Randolph briefly reviewed the French and Spanish claims to the Floridas. Essaying an interpretation of the perplexing third article in the Treaty of San Ildefonso, he reached the seemingly inevitable American solution: the Perdido bounded the Louisiana Purchase, below the thirty-first parallel. It was against this interpretation that Wilkinson warned Folch and advised him to enlist French assistance. A few Americans opposed this view,—Rufus King, who at first seemed to favor it, his friend Pickering, and Ellicott, whose book appeared that year.[57] About a decade later Stoddart and H. M. Brackenridge strongly championed the Jeffersonian view and aroused most scathing criticism, especially from Benjamin Vaughn of Boston.[58] In general these controversialists were too partisan to be convincing.

Madison, who had independent leanings toward the Monroe-Livingston interpretation of the Louisiana Purchase, told Pichon, the French minister, how de-

[56] Annals of Eighth Congress, First Session, I, 401, 415, 439, 486.

[57] For the position of King and Pickering, cf. King, Rufus King. IV, 329–332, 363, 554, 555, and Jefferson Papers, Series 2, Vol. 66, No. 36, MS., Library of Congress. For Ellicott's opinion cf. Preface of his Journal, pp. V and VI.

[58] A. Stoddart, Sketches . . . of Louisiana, 131–149; Vaughan, Remarks on a Dangerous Mistake, etc., Boston, 1814. Copy of latter consulted in the Library of Congress.

sirable it was to define Louisiana with greater accuracy before delivering it to the Americans. Else, he observed, the treaty of cession would be subject to "every legitimate interpretation and inference" the Americans might care to make.[59] But Laussat made the delivery with no public statement about West Florida or the boundaries in general. It would be an easy matter, the secretary wrote Monroe, "to take possession according to our idea. The mode alone can beget a question."[60]

The Spanish minister, Casa Yrujo, warned the colonial authorities that the Americans would probably occupy West Florida at once—a course to which the weakness of the garrisons there invited them; or, by withholding part of the purchase money, force the French to get it for them.[61] Evidently he did not know either party as thoroughly as he imagined. The French autocrat, already regretting his munificent donation to the Americans, was not inclined to augment it, while the president would hesitate before attempting to force his generosity. Rather, Jefferson expected to gain that part of West Florida bordering on the Mississippi through the voluntary action of its

[59] Madison to Pichon, Oct. 21, 1803, Domestic Letters, MS., Vol. 14, Bureau of Indexes and Archives, Department of State.

[60] Hunt, Madison, VII, 78.

[61] Casa Yrujo to Someruelos, Feb. 12, 1804, Legajo, 1708, Papeles de Cuba.

inhabitants, and that right soon. As for the rest of it, he could await some "favorable conjunction abroad." An attempt to restrict American commerce on the Mobile might likewise avail to bring Spain to a "just and liberal settlement."[62] He was soon given a chance to test both these possibilities.

Despite the president's optimism, Anthony Merry, the new British minister at Washington, noted a disappointment in administration circles because of this failure to secure West Florida. The unsympathetic attitude of the prefect, Laussat, increased their disappointment, which was rendered still more poignant because certain explanations at Paris had led them to claim the region publicly. But the Englishman felt that they would employ diplomacy rather than arms to gain it, and they would at the same time instruct Monroe, who was to conduct the negotiation, to essay East Florida as well. The British minister interpreted American irritation as due in some measure to a fear that Great Britain might occupy the disputed territory, should Spain ally herself with France. This would revive all the dread of western separation. To offset this the United States might seek closer relations with France.[63]

In view of what followed we cannot credit Merry

[62] Jefferson to Monroe, Jan. 8, 1804, Ford, Jefferson, VIII, 289.

[63] Merry to Hawkesbury, Jan. 16, 1804, MS., British Foreign Office, America, II, 5, Vol. 41, London.

with a very good guess. Back in November John Randolph had introduced into the House of Representatives a bill to carry into effect the laws of the United States within the new acquisition. On February 24, 1804, it received the president's signature. Notwithstanding the importance of the measure as a whole, it was its fourth and eleventh sections that gave it its popular name, "The Mobile Act."

The fourth section provided for the annexation to the Mississippi revenue district of "all navigable waters, rivers, creeks, bays, inlets, lying within the United States which empty into the Gulf of Mexico east of the Mississippi river." But if the Iberville was the eastern limit of American territory, there were no such navigable waters wholly within the United States. Section eleven was still more explicit, for it authorized the president, whenever he should deem it expedient, to form "the shores, waters and inlets of the bay and river of Mobile, and of other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico east of the said river of Mobile, and west thereof to the Pascagoula," into a separate revenue district, and to designate suitable ports of entry and delivery. These two sections placed a full legislative interpretation on the theories of Livingston, Monroe, and Jefferson, and there remained only the open or tacit acquiescence of Spain to make good the title of the United States as far as the Perdido.

In a violent personal interview which Casa Yrujo held with him, Madison speedily learned that Spain would by no means consent to this interpretation. The incensed Spaniard demanded the annulment of these offending sections, and gave at great length the Spanish interpretation of the obscure territorial clauses. Moreover, Yrujo refused to ratify the pending claims convention which the administration hoped to use in negotiating for the Floridas. Madison, of course, could not comply with Yrujo's peremptory demand, nor could he allege that the other held a mistaken view of the objectionable clauses. In a communication to Livingston he intimated that the act was passed to prevent smuggling through West Florida, but this seems an afterthought. As neither he nor Jefferson had demanded possession of the territory at the time Louisiana was transferred, the situation was an awkward one for both of them.

It promised to become more awkward from the fact that Casa Yrujo persuaded Merry to make common cause with him. Through his foreign office and the London press the British minister was to inform his people that Spain had not evacuated West Florida and did not propose to do so, however much the Americans sought to create the contrary impression. Moreover Spain would not sell any territory that would assure them control of the Gulf to the detriment of her own interests and those of Great Britain.

In a later memoir the British minister showed how important this region was in the commercial development of the western country. Its harbors were especially valuable in view of the difficulties in navigating the lower Mississippi.

As Madison rendered him no adequate explanation of the administration's course, Yrujo withdrew from Washington in anger. The president then cleared the situation by his proclamation of May 30, 1804, in which he stated that "all the above mentioned shores, waters, inlets, creeks, and rivers, lying within the boundaries of the United States, should form a separate district under the name of Mobile, with Fort Stoddart as its port of entry and delivery." Thus he virtually annulled the act, and that too in face of the general public interpretation. Merry reported this course as "perfectly satisfactory" to Casa Yrujo.[64] If so, the Spaniard did not permit the president to know it, but despite a later conciliatory explanation by Madison, continued to harp upon it as a characteristic example of American duplicity. Monroe was to find Casa Yrujo's superiors equally obdurate.

That Jefferson's concession was but temporary is evident from his previous statement to Dunbar: "however much we may compromise on our western limits,

[64] Adams, History of the United States, II, 260–263; Merry to Hawkesbury, Mar. 13, 1804, MS., British Foreign Office, America, II, 5, Vol. 41.

we never shall on our eastern."[65] He had evidently permitted Congress to pass the act in order to test Spanish resistance to our claim. When this proved unexpectedly strong, he wavered, suggested a specious explanation that made him appear more liberal than Congress, and by implication threw upon Randolph, whom he tutored in regard to West Florida, the major part of the blame for the unfortunate legislation. The testy chairman of the Committee on Ways and Means did not forget the affront, as the shifty executive was to discover.

Monroe's special mission constituted another reason for conciliating the Spaniards. By this negotiation, with Pinckney's casual aid, the administration hoped to finish with its great problems of European diplomacy, and acquire East Florida, perfect its title to West Florida, and fix upon a satisfactory western boundary. On April 15, 1804, Madison sent Monroe his instructions, embodying the opinion of the united cabinet. By insisting that the strip to the Perdido formed part of the Louisiana Purchase, he would avoid acknowledging the recent land grants that Morales had made there. He was to offer two million dollars for the remainder of West Florida and East Florida, together with the renunciation of certain commercial claims. In the following July he was informed that the right

[65] Jefferson to Dunbar, Mar. 13, 1804, Washington, The Writings of Thomas Jefferson, IV, 537.

to the Perdido was a *sine qua non,* and that he must contend still more strongly for the whole of Texas. To this program, however, Gallatin did not wholly give his consent.[66]

With this statement we may conclude the American position in regard to West Florida. Political, commercial, and strategic motives, as well as personal views, led Livingston, Monroe, Madison, and Jefferson to insist upon including it in the Louisiana Purchase. West Florida was necessary for the defence of New Orleans and the navigation of the Mobile. It had been desired for more than twenty years. Its acquisition formed the main purpose of Monroe's special mission. East Florida, though more extensive, was of less immediate importance. Both territories, however, were necessary to the proper rounding out of American dominions. The next decade was to determine the status of West Florida. Within five years more, even Spain recognized that she must yield East Florida. The methods by which she was brought to acknowledge these truths constitute the main features of the ensuing discussion.

[66] American State Papers, Foreign Relations, II, 628, 630.

CHAPTER IV

The Failure of Monroe's Special Mission

In the quadrennium following the renewal of warfare in Europe, Napoleon's crushing victories gave him the mastery from the Tagus to Tilsit. Outside these limits his diplomacy was potent, if not wholly supreme. Its most direct manifestations in the United States centered about the problems of neutral commerce; but the controversy over West Florida, involving East Florida as well, and damages for commercial spoliations, played an important if insidious part in the diplomatic game. Through it Napoleon hoped to gain a substantial subsidy, as he had done in the case of Louisiana, even if he did not bring the United States into an alliance against the Mistress of the Seas. Neither the American nation nor Spain was able wholly to resist his machinations, but the latter, because of her proximity, was to be the greater sufferer.

Far from being moved to compassion by Spain's plight, and distinctly repelled by what it regarded as her obstinate pride, the American administration proposed to make her lot still harder by forcing the long desired cession of the Floridas. For this purpose Jefferson

and his advisers armed their representatives with the plausible claim to West Florida and with questionable commercial demands, which their unfortunate southern neighbor could not meet unaided.

Doubtful as these claims were, they depended upon the modern Caesar to push them to a successful conclusion. But unwilling to match his ruthless methods, Jefferson and Madison undertook a diplomatic bout that resembled the famous attack on the windmill. Monroe was their champion; his task the purchase of the Floridas—the same that brought him to Europe the year before. Napoleon had then refused to countenance his efforts, but as Spain was soon to number England among her enemies the time now seemed favorable for the United States to press its demands.

Again, as in the previous year, Monroe's commission aroused a jealous rival. Charles Pinckney had been instructed to await his coming; but as early as July, 1803, when he learned that Monroe would not come on at once, he had begun to pave the way for him. By reviving former claims against Spain for spoliations and urging these in an offer to purchase the Floridas, he hoped to avoid any controversy over the claim to the Perdido. Now that Napoleon had abandoned his territorial aspirations in America, Pinckney counted on French assistance. The price offered was too small and the method of payment was objectionable, but as the United States was the only possible purchaser, he

prophesied an easy acquisition. His secretary, Graham, as before, did not share in his confidence, but hoped that Monroe's mission would create the proper impression on the Spanish officials.[1]

Graham was not the only American to express little confidence in Pinckney's efforts. Jefferson and Madison advised him to do nothing about the Floridas, pending Monroe's arrival, unless the Spaniards first broached the matter. But in keeping with his earlier course, Pinckney encouraged the Spanish secretaries to make such advances. He reminded Godoy that he had once "done much for the United States in a spirit of conciliation." The minister knew this only too well and doubtless little relished the seductive reference. A hint that the French might favor the cause of the Americans, or that Great Britain, when Spain should be at war with her, would make an alliance with them, pleased him as little.[2] None of these unwelcome hints moved him or the obdurate Cevallos. Both acknowledged that the Floridas were economically worthless and that the United States must inevitably possess

[1] Pinckney to Secretary of State, Nov. 20, 1803, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives; same to Madison, Aug. 30, 1803, Letters of C. Pinckney and R. Livingston, MS., Bureau of Indexes and Archives; Graham to Monroe, Nov. 18, 1803, Lenox MSS., New York Public Library.

[2] Pinckney to the Prince of the Peace, Dec. 30, 1803, Letters of C. Pinckney and R. Livingston, MS., Bureau of Indexes and Archives.

them, but neither covert threat nor proffered friendship could induce the Spaniards to hasten this achievement.

Undeterred by their failure to respond to his advances, Pinckney pursued his chosen course, informing Madison and Jefferson, to their discomfiture, that "*we must be moderate and patient. The game we are playing is not a trifling one and appears now to be more within our power than ever.*" At the same time he warned them, "I have already mentioned to you in many of my letters the improbability of my doing anything with the *sum limited* as to *Florida* and now I repeat it as a thing almost impossible *with that sum.*" Livingston, whom he counselled to enlist the aid of the French, shared his view.[3]

The man who would not keep his hands off a negotiation when explicitly instructed to do so was hardly likely to further it to the exclusive advantage of a prospective rival. No one, then or thereafter, charged that Pinckney consciously attempted to bungle the delicate task in which he was simply to introduce the chief agent, Monroe; but he was so anxious to anticipate honors for himself that, copying Livingston in like circumstances, he spent months in meddling with

[3] Pinckney to Madison, Jan. 24, 1804, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives; same to same, Apr. 8, 1804, Letters of C. Pinckney and R. Livingston, MS., Bureau of Indexes and Archives. The italicized portions of the above dispatch were written in cipher.

a question that above all needed to be left alone. It was a case that seemed to call for "watchful waiting" rather than unwelcome insistence, but the former course promised little public renown.

At length the report of the Mobile Act gave Cevallos a chance to still the American's unwelcome urging. His vigorous protest aroused the anger of Pinckney, who retaliated by asking Cevallos to explain why his sovereign had failed to ratify the claims convention of August, 1802, which played a substantial part in the administration's program. On receiving a conditional reply, that demanded among other points the revoking of the Mobile Act, Pinckney threatened an immediate rupture.[4] The puzzled and frightened Cevallos, faced with the necessity of yielding to American encroachment or becoming more subservient to France, chose the latter alternative. His country had long borne the burden of this subserviency, and despite the costly concessions that it entailed, his colleague Godoy, the victim of one of the most shameful of concessions, could suggest nothing better.[5] They first appealed to Beurnonville, the French ambassador. Pinckney also turned to him in his difficulties,[6] although he urged

[4] Adams, History of the United States, II, 279.

[5] Pinckney to Madison, Aug. 26, 1804, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

[6] Beurnonville to Minister, 18 Prairial, An XII (June 7, 1804), Archives des Affaires Étrangères, Éspagne, MS., Vol. 666, 294.

Livingston to busy himself with the very source of authority. The Spanish ministers likewise instructed their representative, Admiral Gravina, to enlist the aid of the French emperor, for such Napoleon had now become. If war with the United States should materialize, that country was liable to form an alliance with Great Britain, invade Mexico, and, aided by the British army, cut Spain off from her most productive colonies. This prospect touched Napoleon at a tender point, for he had scarcely less interest in the Mexican treasury than had Spain herself. Accordingly he lent a ready ear to Gravina's request and bade Talleyrand instruct the new envoy to the United States, General Louis Marie Turreau, to aid Casa Yrujo in preventing hostilities and in curbing the territorial pretensions of the Americans.[7]

In answer to Beurnonville's request for specific instructions about West Florida, Talleyrand vaguely informed him that France sold to the United States only such territory as it actually received from Spain. Having repossessed Louisiana only momentarily, with no opportunity to determine its rights, his government was now unwilling to enter into the dispute. But it hoped for a friendly settlement between the interested parties.[8] Perhaps Talleyrand distrusted the French

[7] Adams, History of the United States, II, 294, 295.

[8] Talleyrand to Beurnonville, 16 Messidor, An XII (July 5, 1804), Archives des Affaires Étrangères, États Unis, MS., Vol. 57, 160.

ambassador's ability to still the tumult then raging at the Spanish court and to control both Pinckney and the Spanish ministers. He felt better able to guide the controversy from the home office.

At the same time Livingston explained to Talleyrand how the first sight of the Treaty of San Ildefonso removed all doubts about the eastern limit of Louisiana and overcame his hesitation at exceeding his powers in purchasing it. Under French possession that province had extended to the Perdido, both when France originally owned it and after Spain retroceded it to her, and the United States was entitled to all that France had acquired. This last statement almost paraphrased Talleyrand's dictum to Beurnonville, but to the American it meant something far different. Moreover, he alleged that Talleyrand, the year before, had assented to his claim that Louisiana extended to the Perdido. He alluded to the "excessive delicacy" that kept the Americans from taking possession of the disputed area, pending more definite explanations. Talleyrand doubtless appreciated both these references.

With this ingratiating introduction Livingston passed to an explanation of the Mobile Act. His government had expected the Spanish authorities to accept the American interpretation of the cession and grant the claim to the Perdido. As this concession might occur after the adjournment of Congress, that body had judged it expedient to pass certain regulations for

establishing custom-houses in that region. Unfortunately the Spanish minister misinterpreted this action, and his heated remonstrances thereon threatened to disrupt friendly relations between the United States and Spain. Hostilities once begun, the safety of the western country would lead the frontiersmen to occupy the disputed territory. At the same time the United States would join Great Britain in an attempt to free the Spanish colonies. On the other hand, by promptly intervening the emperor would assure the United States its just claims, and enable that nation to purchase East Florida before another maritime power could seize it. The other colonies would then continue under Spanish control as best suited French and American interests.[9]

With both disputants appealing to him, Napoleon was free to use the quarrel to his own advantage. By yielding for the moment to the protests of injured pride, he might atone for the hurt inflicted upon Spain when he alienated Louisiana. The unseemly haste of the Americans in claiming a region that he had vainly attempted to purchase, the inopportune passage of the Mobile Act, and the vigorous insistence on commercial claims further impelled him to favor the outraged Spaniards. Under his direction, therefore, Talleyrand instructed Turreau to inform the American gov-

[9] Livingston to Talleyrand, Aug. 23, 1804, Archives des Affaires Étrangères, États Unis, MS., Supplement, Vol. 8.

ernment in a thoroughly conciliatory manner that the eastern limit of Louisiana was undoubtedly the Mississippi, the Iberville, and the lakes, as laid down in the Treaty of 1762; and that the double cession since afforded no basis for a more extensive claim. The United States should also modify some objectionable features of its commercial claims.[10]

This yielding to Spanish susceptibilities promised to be only temporary. If war should break out between Spain and Great Britain the latter, as mistress of the seas, might prevent the Spanish treasure ships from reaching Europe and thus cut France off from a million or more dollars per month, which Spain paid as a secret subsidy to her imperial plunderer. The political libertine would then be forced to seek compensation elsewhere. Another cherished possession of his helpless mistress would afford the means, and with the Louisiana Purchase still fresh in mind, he did not doubt that the Americans stood ready to pay his price.[11] The mere pride of despoiled Spain would weigh but little against the needs of his treasury. He could afford to await the moment of hostilities between Spain and England, for delay would enhance the value of the Floridas in the eyes of the Americans.

The disputants were not forced to wait long. Spain

[10] Adams, History of the United States, II, 295–300.

[11] Livingston hinted at this in his communication to Madison, Sept. 21, 1804; Hamilton, Monroe, IV, 305, n.

was assembling an armament at Ferrol, possibly to use against the United States. The British minister, seeking a pretext for hostilities in order to cut off Spain's subsidy to Napoleon, demanded an explanation of this armament. The Spanish government was unwilling to give it, whereupon the British fleet seized the Spanish treasure ships and Spain immediately declared war. Pinckney, who had not yet recovered from the humiliation of his failure, wrote: "We ought to get what we want now."[12] Possibly so, but his superiors preferred to substitute another agent. Casa Yrujo had asked for his recall and Jefferson yielded. Madison expected him to return in very bad humor. "I could not permit myself to flatter him," the secretary wrote, "and the truth will not permit me to praise him. He is well off in escaping reproof for his agency has been very faulty as well as feeble."[13] At the present time a calm review of the whole Florida negotiation must convince one that Monroe, Livingston, and the administration at home must share the blame that the secretary then visited upon the unfortunate Pinckney.

From across the Atlantic came conflicting reports concerning the attitude of the American government.

[12] Pinckney to Madison, undated but probably some time in December, 1804. Letters of C. Pinckney and R. Livingston, MS., Bureau of Indexes and Archives.

[13] Madison to Monroe, Nov. 9, 1804, Letters and other Writings of James Madison, II, 208.

Merry thought that it might take advantage of hostilities between Spain and Great Britain, should the two nations come to blows, to get the Floridas and initiate a revolt in South America; but he did not believe Jefferson would risk his popularity just before election by forcing a war on the issue. The American executive evidently expected the French government to aid him in gaining his ends.[14] Casa Yrujo did not directly disprove this assumption of Merry, and assured him that his own government would not carry the issue to a crisis. At the same time the Spaniard wrote home that the administration did not countenance Pinckney's course, due in a measure to Livingston's promptings, and that it was not strong enough in Congress to bring about a declaration of war in behalf of its commercial and territorial pretensions. It had given a "sort of satisfaction" in regard to the objectionable Mobile Act, so that now with a firm and moderate diplomatic policy, and with three thousand effective men at Mobile, Spain could hold her own in any further controversy. She could lose only if a "certain neighboring power" forgot its interests and came to the support of the untenable American claims. He did not believe Napoleon would make such a false move, and with nothing to fear from him, Cevallos could meet and discomfit Monroe as he had Pinckney.[15]

[14] Merry to Harrowby, Oct. 1, 1804, same to Hammond, Oct. 1, 1804, MS., British Foreign Office, America, II, 5, Vol. 42.

[15] Casa Yrujo to Cevallos, Oct. 22, 26, 1804, Adams Tran-

The latter's blundering course made some action at Madrid necessary, but the time and the man did not seem in favorable conjunction. Monroe was needed in London; the administration also desired to use him in Louisiana; and Livingston was unwilling to cooperate with him from Paris. The French government was less favorable to his mission than it had been the year before, but Monroe's Paris correspondent did not know the full extent of its opposition. The only promising feature of the situation was the prospect of immediate hostilities between England and Spain.

In October, 1804, Monroe reached Paris on his way to Madrid. Here he met Livingston, and the latter's brother-in-law and successor, John Armstrong, who was to continue the New York tradition at the Paris legation. Neither welcomed his presence and both doubted the efficacy of his proposed effort. Monroe desired to remind Talleyrand of Napoleon's promise the year before to assist the United States in procuring the Floridas. Both Livingston and Armstrong officially supported his representation to that minister, but in later years he charged them with encouraging the French government to expect some twelve or fourteen millions from the transaction.[16] Some ugly charges of the sort were current in Paris, then and thereafter,

scripts, Spanish State Papers, Bureau of Rolls and Library, Department of State (Robertson, 5007).

[16] Monroe to Skipwith, July 31, 1823, Lenox MSS.

but it is probable that the disappointed Monroe exaggerated them and attributed to the irregularities he suspected a preponderant share in his subsequent failure.

Monroe preserved a conciliatory tone in his note to Talleyrand, although he strongly intimated that war might follow a diplomatic rupture at Madrid. He discussed in some measure the American claim to West Florida, and explained that the president, although authorized by Congress to take possession of the ancient boundaries of Louisiana, had preferred to defer this step to give time for necessary explanations and adjustments.[17] Notwithstanding his evident good-will and patience (for he tarried several weeks in Paris) his letter remained unanswered. His friend Marbois, however, told him that it was a financial affair. M. Hauterive tersely stated the conditions: "Spain must cede territory, the United States must pay money."[18] France, he clearly learned, was to reap all the profit from the transaction.

It seemed apparent that Monroe could escape a mortifying diplomatic failure only by abandoning his mission at the outset or submitting to the terms offered. Neither alternative appealed to his personal pride or was in keeping with what he chose to consider national honor. Even at that time Madison was assur-

[17] Monroe to Talleyrand, Nov. 8, 1804, American State Papers, Foreign Relations, II, 634.

[18] Adams, History of the United States, II, 305.

ing him, in additional instructions, that he could not "too earnestly press upon Spain the necessity of closing all the differences between the two countries." The Mississippi and the Mobile were absolutely essential to the United States, while "Spain must sooner or later swallow" the commercial claims against her.[19] Some similar feeling, heightened by his nearer view of Spain's helplessness before England, doubtless led Monroe to persevere in his task. He must, at any rate, straighten out the muddle into which Pinckney had brought affairs.

Some three weeks before Monroe left Paris, Talleyrand advised the emperor to disapprove of the American commercial claims as insincere and as attacking his good faith. Moreover the Americans had displayed little civility toward France in devising an untenable claim to West Florida, after that power had vainly negotiated for the same region; and they had displayed still less generosity toward Spain in pushing that claim when she was helpless. Talleyrand intimated, however, that the Floridas were of little use to Spain, but very essential to the military security and commercial development of the United States. If that power should adopt a more courteous policy Napoleon might well favor the views of the Federal Government, and Spain, through financial necessity, yield to them. Napoleon took no action on

[19] See note 13.

these suggestions until Monroe had left Paris. Then he directed Talleyrand to declare the American claim to West Florida absolutely unfounded and to express a sarcastic interest in the outcome of so unusual a negotiation.[20]

This declaration probably reached Madrid before Monroe himself, and in connection with other previous statements did much to insure the failure of his mission. Before leaving Paris he received some intimation that Talleyrand's report to the emperor was not favorable. After a period of uncertainty he determined to continue, hoping to accomplish something single-handed by working upon the fears of Spain for her colonies. His colleagues regarded his cause as hopeless, and his long review of conditions, sent to Madison from Bordeaux on December 16,[21] reflected this feeling. Nevertheless he wrote his Parisian correspondent and friend, Skipwith, "I shall pursue the object intrusted to me with zeal and diligence, and I trust with success."[22]

The administration in Washington did not need the discouraging reports from Paris and Bordeaux to convince it that Monroe must fail in his mission. In January, 1805, Turreau and Casa Yrujo, in an embarrassing interview with Madison, informed him that

[20] Adams, History of the United States, II, 310–314.
[21] Hamilton, Monroe, IV, 294.
[22] Monroe to Skipwith, Dec. 18, 1804, Lenox MSS.

their governments had come to the joint conclusion that the American claims to West Florida were untenable and the commercial claims unjustifiable. Turreau's predecessor had been too friendly to the United States. The present minister was not likely to repeat this mistake. He even quoted the Treaty of 1762 as the determining factor in the territorial dispute. When Madison referred to maps that showed the Perdido as the eastern limit of Louisiana, Turreau pointed out that the same maps included Tennessee and Kentucky within that province. As the desire of these two States to obtain a commercial outlet by way of the Mobile formed an important domestic raison d'être for the West Florida claim, Madison little relished this reference. At times he tried to cajole Turreau, while that minister attempted to reconcile him with Casa Yrujo. But the Spaniard, despising Madison for his ungenerous course toward his nation, was only too anxious to humiliate him. The whole interview, therefore, was but another of those distressing but enlightening scenes in which the two had recently appeared as principals.[23] Its only result was a request for Yrujo's recall—a request that was to constitute the only successful point in the program entrusted to Monroe. Even this was not made humiliating to Casa Yrujo, whose superiors graciously "gave him permission to retire" from an unpleasant situation.

[23] Casa Yrujo to Cevallos, Feb. 7, 1805, Adams Transcripts, Bureau of Rolls and Library (Robertson, 5021).

Warned by the reports from abroad, the president now expected his envoys to break off the hopeless negotiation and merely attempt to secure the privilege of navigating the Mobile. Madison was ready to abandon the American claim to West Florida altogether.[24] Nevertheless Jefferson and his secretary of state united in commissioning James Bowdoin of Massachusetts as minister to Spain in Pinckney's stead. In a few weeks suggestions from Paris showed that the negotiation was about to assume those venal phases characteristic of Talleyrand. Madison wrote Armstrong with becoming indignation that "the United States owes it to the world as well as to themselves to give the example of one government at least, protesting against the prevailing corruption. . . . If her [France's] object, as you conjecture, is simply to make money out of it, this will finally be abandoned in despair."[25] His virtuous protest would have been more convincing had he expressed it as clearly when France was inclined to favor American claims.

When Monroe reached Madrid he learned that the Spanish court was at Aranjuez and thither he and Pinckney proceeded. Their ensuing negotiation may arouse some additional interest on the part of the casual American tourist in this garish retreat of Spanish royalty, and he will doubtless enjoy the palace with

[24] Adams, History of the United States, IV, 54, 55.

[25] Madison to Armstrong, June 6, 1805, Instructions, MS., VI, Bureau of Indexes and Archives, Department of State.

its tawdry interior, formal garden, and stately avenue and park far more than did the distressed diplomats who vainly haunted them in the weary months that followed. After going over the situation with Pinckney, Monroe agreed that his colleague's course the previous summer had been the only possible one, and determined to have him sign the formal notes jointly with himself. Pinckney seemed duly to appreciate this evidence of generous confidence, which softened for him the mortification of his recall, and the Spaniards acquiesced in the arrangement with suspicious complacency.[26]

After the ceremonious presentation, the American commissioners addressed their first note to Cevallos on January 28, 1805.[27] Although they continued their formal correspondence with him, Monroe immediately adopted the plan of supplementing each communication by one or more personal interviews with Godoy, the real negotiator. It was his custom to inform the Spaniard that he expected to call, if convenient, and he interpreted silence as an invitation to come. Aside from this indication of indifference, their interviews, though wholly unprofitable, were not unpleasant. Mon-

[26] Monroe to Madison, Jan. 19, 1805, Spanish Dispatches, MS., VII, Journal of the Negotiation at Aranjuez, Spanish Dispatches, MS., VIII, Bureau of Indexes and Archives. In this journal Monroe reviews minutely the details of the negotiation and reveals his mental reaction to each shifting phase.

[27] American State Papers, Foreign Relations, II, 637.

roe often had to urge Godoy to prod up the slow-moving Cevallos, and occasionally gained some temporary encouragement only to find it wholly illusory. More than once he suspected an intention on the part of the two men to keep him vainly see-sawing between them. He had also promptly called on Beurnonville and told him that he counted on his assistance. But the French minister seemed to avoid him in public. To this neglect, manifestly inspired from Paris, Monroe largely attributed his failure. In his defense the other said that the Spaniards "would give so little and Monroe asked so much." This was true, although we may doubt if the Frenchman was sincere in later claiming that he had assisted Monroe "as much as possible."[28] But sincerity is the last thing one would expect to find in this ill-judged negotiation.

The American commissioners hoped to avoid wordy discussion and push the questions at issue to a speedy conclusion. Accordingly, after a brief view of the commercial claims and disputed boundaries, they submitted the project for a treaty, based upon the idea of balancing the American desire for the Floridas by the Spanish apprehension over the western advance of the United States. Some minor disturbances then prevailing on the Florida frontier gave point to their expressed hope that the proposed settlement would prevent similar misunderstandings elsewhere. With this in mind their offer to assume the commercial

[28] G. W. Erving to Monroe, Nov. 15, 1805, Lenox MSS.

claims of their own citizens seemed to them very generous indeed.

Godoy speedily charged Monroe with being even more unreasonable than Pinckney about commercial claims. As for the controverted limits of Louisiana he thought the Americans should settle them with France, from whom they had bought the territory. Monroe said that France had nothing to do with the question. His country had simply bought the French right and title and must settle all boundary disputes with its neighbor. As Godoy stoutly maintained the contrary, Monroe intimated that he did not expect to accomplish much at Aranjuez. Godoy courteously hoped that he would. In turn the Spaniard referred to the hostility that France and Great Britain had displayed toward the United States when the right of deposit at New Orleans was suspended. Monroe replied by referring to a British proposal to cede New Orleans to the Americans if the latter acquiesced in its seizure before the treaty at Amiens. He further suggested that his country could more readily restrain its western citizens if it had the Floridas.[29] But bribe or bluff proved equally ineffective in eliciting a definite answer from Godoy.

The reply of Cevallos to the joint note was unusually prompt and equally unsatisfactory. Ignoring the expressed desire of the commissioners for a categor-

[29] Journal of the Negotiations at Aranjuez, Jan. 30, 1805.

ical answer, that minister informed them that Spanish boundary commissioners were then at New Orleans, awaiting the arrival of the American representatives. It would be useless to discuss the limits of Louisiana before hearing from them. Having thus brushed aside the most important American proposal, Cevallos discussed the claims convention of August, 1802.[30] In reply the Americans observed that the boundary commissioners could do nothing until their respective governments should settle upon a principle to guide them, and they were in Spain for that purpose.[31] Monroe wrote Madison that Cevallos evidently intended to delay the negotiation, but despite this and other discouraging circumstances, he believed the Spaniards must recognize the strength of the American position, "with due discernment."[32] Unfortunately for him and his colleague they did, and so on February 10 the Americans had to submit to a sharp scolding on the subject of the Mobile Act,[33] in lieu of the wished-for answer to their project.

It was now high time to break off the negotiation, and in a personal interview with Godoy, Monroe hinted as much. He had already learned of Talleyrand's views, which were, as Armstrong wrote, "cal-

[30] American State Papers, Foreign Relations, II, 640.

[31] Pinckney and Monroe to Cevallos, Feb. 4, 1805, ibid., 641.

[32] Pinckney and Monroe to Madison, Feb. 2, 1805, Spanish Dispatches, MS., VII, Bureau of Indexes and Archives.

[33] American State Papers, Foreign Relations, II, 641.

culated to put the court at Madrid at rest." Monroe affected to believe that the French government had broken faith with him, and urged Armstrong to make its agents understand that the dispute with Spain must be settled then and there. "The United States must go ahead and depend less on other nations." His hope lay in Spain's necessity, and in such pressure as his country could exert upon her and France, in case of a diplomatic rupture. Yet he betrayed great reluctance to force an issue with the stronger nation. Not wholly trusting Armstrong, he wrote his friend Skipwith to send him some documents in support of the American claim. The United States must decide upon her rights, but "in terms of suitable respect for the government of France." At the same time he cautioned Skipwith to conceal his request from Armstrong.[34]

If Spain failed to yield to necessity or France to some unmentioned pressure, there still remained a possible British alliance. As a final resort this might gain for them "the respect and calculation" of every European government and establish their relations with Spain "on a footing of permanent friendship." But Monroe preferred to continue his present negotiation. On February 16 Godoy intimated that Spain might exchange the Floridas for an equivalent west of the Mississippi, although the presence of the Americans might

[34] Journal of the Negotiation at Aranjuez, Feb. 2, 1805; Monroe to Skipwith, Feb. [15?], 1805, Lenox MSS.

draw other people into the ceded provinces and endanger the remaining Spanish possessions. Monroe pointed out that Louisiana already presented this danger, and emphasized the fact that neither the United States nor Spain should permit Great Britain or France to become too powerful in its neighborhood. For some reason Monroe regarded this interview as hopeful. But anticipations of a speedy end to his task were rudely dispelled, for on that very day Cevallos submitted a third note, this time treating of the right of deposit at New Orleans. In reply to Monroe's remonstrances that such trifling was likely to lead to a rupture, Cevallos promised to refer the whole controversy to the king.[35]

When eight days later Cevallos' note proved to be a lengthy discussion of the West Florida question, Monroe came to the conclusion that the other's propositions, when finally submitted, would prove as "unjust" as his reasoning. The Spanish minister insisted that his government could not "retrocede" to France in 1800 what it did not receive from her in 1762. The two Floridas were, like Louisiana, under the jurisdiction of the captain-general of Havana, but as separate provinces. Thus they were no more to be included in Spanish Louisiana than were the States of Ohio, Kentucky, and Tennessee, whose territory

[35] Journal of the Negotiation at Aranjuez, Feb. 16, 1805; American State Papers, Foreign Relations, II, 643, 644.

before 1762 had been vaguely covered by French claims. Spain received the Floridas from Great Britain in 1783, and the United States acknowledged their separateness in the Treaty of the Escorial. Cevallos clinched his argument by quoting the opinion of Andrew Ellicott, who ran the boundary line then established, and noted that France had been content to accept Louisiana without West Florida.[36]

So far Monroe had treated the French "very delicately" in this controversy, but now he instructed Armstrong to do something at Paris toward counteracting Spanish pretensions. Talleyrand had formerly given him the impression that West Florida was part of the Louisiana Purchase; now he was trying to establish a contrary opinion. He must be made to understand that if the negotiation broke up over this point, the United States would hold France responsible and would retaliate by seeking a British alliance. If the French government thought the demands of the Americans unreasonable, they might make some concession as to commercial claims and the western boundary, which would more than offset the Floridas. But they must insist upon their just rights, and by this Monroe doubtless meant the claim to West Florida and the residue of their commercial claims.[37]

[36] American State Papers, Foreign Relations, II, 644.

[37] Monroe to Armstrong, Feb. 26, 1805, Spanish Dispatches, MS., VIII, Bureau of Indexes and Archives.

In addition to gaining the support of Talleyrand, the Americans must convince the Spanish government that their country was not absolutely bound to a peace policy. Monroe's interview with Godoy on February 28 did little to advance either object. The Spaniard insisted upon discussing thoroughly every point in question and in submitting each to the French government. Monroe asked what would happen if the French should favor Spain while the United States continued to insist upon its rights. Godoy replied, "We shall see," but evinced no disposition to show him what they were to see.[38]

Having nothing else to do, Monroe and Pinckney attempted to reply to the note on West Florida. Needless to say they found the word "retrocede" less important than Cevallos had done, and saw West Florida in the three clauses of the puzzling article as clearly as if it were expressly named. Their contention must be right because not expressly contradicted. Any doubt should militate against the Spanish government for failing to express itself clearly. But Cevallos was not ready to abandon his position. Invoking grammar, rhetoric, good sense, and history, he showed that his interpretation was necessary to reconcile the word "retrocede" with the subsequent clauses of the crucial third article. All further discussion was useless, for the decision rested with France and Spain,

[38] Journal of the Negotiation at Aranjuez, Mar. 2, 1805.

and these powers united in declaring that West Florida formed no part of Louisiana. It had not been mentioned in the transfer arranged at San Ildefonso, and no nation could acquire a definite province by a treaty that did not mention it.[39]

Once more the negotiation had reached a good stopping place. The West Florida dispute was the crux of the whole controversy, and if France supported Spain upon that point it was useless to continue the discussion. Monroe objected to Talleyrand's assuming the position of umpire. "My letter to him," he wrote Armstrong, "was not for that purpose, but simply to give information of what position we intended to take."[40] Pinckney expressed himself still more bitterly to Madison. Evidently Bonaparte and Talleyrand thought it "only necessary to talk in high and arrogant terms of our country's aggressions . . . and we would shrink into nothing and give up claims and meekly receive reprimand for having dared to make them." He believed that if he had received due support from Paris the preceding summer the French government would now take a different position. Such "sycophantick courses" as had been pur-

[39] American State Papers, Foreign Relations, II, 653–657. The above is the merest summary of the lengthy but useless "war of words," but the writer believes that it embraces the essential points for his purpose.

[40] Monroe to Armstrong, Mar. 17, 1805, Spanish Dispatches, MS., VIII, Bureau of Indexes and Archives.

sued there tended to lower America in the eyes of Europe. As for himself he would never be "the instrument of improper submission to any power on earth."[41] Had Pinckney received this support and Monroe secured the aid of Talleyrand it is likely that neither would have censured the latter and the emperor so strongly. The American diplomats tried to use Napoleon and Talleyrand for their own purpose and then protested against French interference when they failed.

Early in March Armstrong thought that he had "fallen upon a plan" to secure some important papers that might establish a French contention for the Perdido, but evidently the papers did not materialize.[42] Late in the month his messenger, Dalton, reached Monroe with despatches which stated that the French had lost all anxiety about the negotiation. In regard to the boundary Talleyrand told him, "We have already given our opinion and see no reason to change it." When questioned about the action France might take in the event of war between Spain and the United States, the French minister answered, "We can neither doubt nor hesitate, we must take part with Spain." Armstrong found it difficult to explain this position, unless France wished to be paid to serve as umpire

[41] Pinckney to Madison (Mar. 7), 1805, Spanish Dispatches, MS., VI, Bureau of Indexes and Archives.

[42] Armstrong to Monroe, Feb. 22, 1805, Lenox MSS.

or wished to gain the territory for herself. "Be this as it may," he added, "our course lies straight before us—neither dark nor doubtful, nor embarrassed —and with half an eye one may see to the end of it."[43]

Monroe, however, was not ready to take this course, which obviously meant to abandon the commercial claims, yield the dispute over West Florida, and seize Texas. He had adopted the idea of one New Yorker in accepting the Perdido claim, and he would not now abandon it at the behest of another, especially after he had undertaken to rest his entire negotiation on it. Yet alternatives were unpromising or distinctly repulsive. Ever since he had passed through Paris he had known that the United States could gain the Floridas by an indirect payment to France of some fourteen millions of dollars. Pinckney emphasized two crucial phases of the policy when he wrote Madison: "France wants to make money out of the Floridas and Yrujo has convinced Spain that she has nothing to fear by sticking out."[44] In view of Spain's necessities Monroe believed that he might remove this impression. To hasten this result he urged Armstrong to make sure that the emperor should learn the American side of the controversy. He must approach him through Joseph Bonaparte, or some other intermediary

[43] Armstrong to Monroe, Mar. 12, 1805, Lenox MSS.

[44] Cf. note 41. As Monroe records in his Journal, Casa Yrujo had assured his government that the United States would never go to war for "desert territory or old claims."

than Talleyrand, who, he felt sure, gave Napoleon only a partial view.[45]

This desperate but unfounded surmise led Armstrong to furnish Talleyrand with Monroe's whole correspondence with Cevallos. The Frenchman returned it with the comment: "The more our thoughts are turned to this subject, the more completely convinced are we that Spain is right on every point of the controversy." The same decision, though differently worded, reached Aranjuez by Spanish conveyance. Santivanes, the chargé at Paris, had complained of Monroe's pretensions. In answer Talleyrand assured him that France had received no territory east of the Mississippi from Spain and had transferred none to the United States. This should settle the dispute, for "to know the rights of France is likewise to know those of the United States." On April 9 Cevallos sent this statement to Monroe in response to repeated proddings for a definite reply to the recent notes.[46]

The past month at Aranjuez had been a trying one for the American. Nothing could spur Godoy or Cevallos into action. The former vaguely suggested some sort of joint agreement with Spain, France, and the United States in regard to Santo Domingo. Monroe eagerly caught at this opportunity to show his friend-

[45] Monroe to Armstrong, Mar. 31, 1805, Spanish Dispatches, MS., VII, Bureau of Indexes and Archives.

[46] Armstrong to Monroe, Mar. 18, Apr. 1, 1805, Lenox MSS.; American State Papers, Foreign Relations, II, 659, 660.

liness, but in vain. Pinckney gave up hope, but still praised Monroe's zeal. The latter characterized Talleyrand's interference as friendly neither to Spain nor to the United States, and vaguely thought that Godoy agreed with him. Cevallos repeated the indefinite statement of Godoy, that his sovereign would exchange his possessions east of the Mississippi for an equivalent west of that river, but the Americans ought to give up their claim to West Florida. Monroe thought an "impartial world would judge differently," and suggested a possible alliance between the United States and Great Britain. Cevallos retorted that this would be a step toward British conquest, but Monroe thought it would enable both countries to divide the French and Spanish colonies between them. The nation would gladly support the president in such a policy.

Cevallos claimed that he was ready to make propositions in a conciliatory spirit. Monroe welcomed the suggestion, and thought that a specific allowance for spoliations might be used as part payment for the Floridas. Cevallos was unwilling to agree to this before he had discussed the western limits. When Monroe charged him with an intention of prolonging the negotiation indefinitely he elicited nothing more than a promise to make propositions after completing the discussion. Monroe, deciding that Cevallos was not free to act, resolved to continue the discussion. If it led to a rupture, he still hoped to receive definite propo-

sitions on his return to Paris. Thus he clung to the thought of aid from the French, though refusing to be bound by their restrictions, and continued to conduct himself so as not to offend their sensibilities.[47]

Another powerful reason actuated Monroe. If he broke off negotiations suddenly Napoleon would probably show his displeasure by seizing all American vessels within his reach. The severing of diplomatic relations in itself would not warrant such action, but, as Monroe had had abundant opportunity to learn, ability to injure rather than a desire to do justice was the ruling influence in Europe. The people respected the United States but their rulers did not, and the American commercial stake of four or five millions was too great to be lightly risked. Monroe's messenger, Preble, represented the prevailing sentiment upon this point. Although he was deeply involved in commercial relations with France, he at first hoped that Monroe would consider national honor rather than individual interests. Some weeks later, when failure seemed unavoidable, an alliance with England unlikely, and a war with Spain unpopular, he wrote: "If our national honor should not receive a blemish by an arrangement at Madrid, even if not so favorable as we ought to expect, we will still be the gainers in the end."[48]

[47] Journal of the Negotiation at Aranjuez, entries for April, 1805, passim.

[48] H. Preble to Monroe, Mar. 14, Apr. 24, 1805, Lenox MSS.

Monroe was thus learning that fear, or, as he chose to call it, "respect," was the foundation of contemporary diplomacy. To play its part in such a system, and to gain its share of commerce in the West Indies, the United States needed a larger navy, a respectable army, adequate fortifications, and a fleet of despatch boats between the Chesapeake and the eastern and southern ports. But time would be necessary to develop them, granting it were possible to overcome Jefferson's natural hostility to such a policy of preparedness, and in the interim Monroe must determine his immediate course in a complicated negotiation. The cry of "money, plenty of money" from the diplomatic jobbers of Paris presented one alternative, but it was questionable how much would satisfy them, or whether yielding to their demands would not establish a dangerous precedent. If he allowed them to intervene in regard to the eastern boundary of Louisiana, might they not do so on the western border as well and reduce the whole purchase to a nullity?[49]

On the other hand, if he continued an independent negotiation, as he flattered himself he was doing, preserved a dignified and courteous bearing toward France, and cautiously employed a hypothetical alliance with Great Britain to arouse Spain's fears for her colonies, he might still achieve partial success. But the prospect was not flattering. If the French should

[49] Journal of the Negotiation at Aranjuez, Apr. 22, 1805.

defeat the English squadron before Brest and then undertake the invasion of Ireland, his efforts would wholly fail. He wrote Madison that he could "give no idea of the vexation of the whole affair."[50] He confided to Skipwith that "no exertion of my life has been more laborious to me in point of difficulty or duty." Yet his task seemed to be "the last difficult business which we have to settle with these powers;" and this fact, plus the confidence that his government and his countrymen reposed in him, kept him at his unwelcome post, and persuaded him to play his part "with justice, with moderation, and the dignity becoming their best character."[51] Monroe was both moderate and dignified, even in an unbecoming situation, but even he must occasionally have doubted the justice of the claim to West Florida.

Early in May he asked Cevallos if he might call to submit a final offer. His earlier one remained unanswered, but he believed he must play his last hand, and force an acceptance or at once bring the negotiation to a close. Two days later he submitted his proposal. He wished Spain to cede her territory east of the Mississippi and arbitrate part of the commercial claims. The United States would then relinquish the remaining claims and accept the Colorado as its western boundary. He regarded these claims as more

[50] Journal of the Negotiation at Aranjuez, May 2, 1805.
[51] Monroe to Skipwith, May 2, 1805, Lenox MSS.

than an equivalent for the territory east of the Mississippi. To make the exchange more acceptable he was willing to abandon the claim to West Florida hitherto urged by the Americans.[52]

In offering these concessions, particularly the last, Monroe had to go beyond his instructions, and their tenor reveals his desperate plight. But he yielded in vain. The testy Cevallos could see no recompense for Spain in the proposition. His nation was not responsible for the spoliations and had an unquestionable right to West Florida. The Spaniard's "high toned and peremptory manner" led Monroe, contrary to his intention, into a spirited rejoinder. Cevallos remained unmoved. Upon his request Monroe committed the propositions to writing and Cevallos rejected them, "in terms the most explicit and at the same time not the most respectful."[53] This ended his dealings with Cevallos. On May 21 Monroe took leave of the king, and two days later in a final interview he and Godoy expressed their mutual but meaningless regrets over the fruitless discussion.

About this time Monroe learned from Armstrong that the French government was then likely to do nothing further. Interest would lead it to let the quarrel proceed until interference became necessary; then it could command a higher price for its arbitration.

[52] Journal of the Negotiation at Aranjuez, May 11, 1805.
[53] Ibid., May 15, 16, 1805.

Spain and the United States, according to the American minister, were two oranges which the emperor proposed to squeeze together. The one which yielded more juice would be less harmed. Armstrong did not expect any commercial difficulties in case of a rupture with Spain, and repeated more explicitly his former advice to abandon West Florida and the commercial claims, and seize Texas. This policy, based on the instructions to Laussat, would force Spain to act, but need not arouse French resentment.[54]

Monroe and Pinckney, who reviewed at length their course through French intrigue and Spanish delay, were not inclined to stop where Armstrong advised. Since the seizure of Texas alone would compromise them, they favored action in behalf of their claims in extenso,—West Florida as well as Texas. Such a move would show European governments that the destiny of the New World was in American hands and would correspondingly increase their respect for the United States. Then, dismantling all fortifications within the areas occupied, much as Jackson did later, they could negotiate upon their own terms.[55]

Perhaps the man from Virginia and the man from South Carolina merely desired to name a policy that did not bear an impress from New York. If this was

[54] Armstrong to Monroe, May 4, 1805, Lenox MSS.

[55] Pinckney and Monroe to Madison, May 23, 1805, Spanish Dispatches, MS., VIII, Bureau of Indexes and Archives; American State Papers, Foreign Relations, II, 667.

Monroe's purpose he did not persevere in it after he reached Paris on his return from Spain. Here he fell under the spell of Armstrong, just as he had yielded to Livingston when that diplomat conceived the claim to West Florida. Monroe now advised the administration to seize Texas at once, place an embargo on its trade with the Spanish colonies, and threaten offensive operations in the Floridas. This would force France to act but without any expectation of jobbery, and would show a policy fully in keeping with national honor.[56]

Koskiusko, of Revolutionary fame, was then in Paris and offered his services for any emergency. But the administration at home was more pacific; and while its representatives in France and Spain were calling for a vigorous program, Madison was instructing them to accept, for the time being, the maintenance of the *status quo* and the privilege of navigating the Mobile.[57] Monroe had to content himself with such commendation as came to him in a private letter from Richmond: "It may be consoling to you to know that as to your conduct, but a single sentiment prevails here. It is believed that you have made every exertion consistent with national honor and dignity to accomplish the object of your embassy. Nothing is charged to

[56] Monroe to Madison, June 30, 1805, Spanish Dispatches, MS., VII, Bureau of Indexes and Archives.

[57] Adams, History of the United States, III, 54, 55.

your imprudence or a want of diplomatic skill or experience."[58] For five weary months he and Pinckney had exerted themselves to make the worse appear the better reason, and then had agreed to abandon their main contention—the claim to West Florida. They vacillated over the western boundary and were ready to compromise their commercial disputes, but without success. When Monroe left Spain American reputation weighed little in the scales of European diplomacy. But, as he and Pinckney suggested, the western frontiersmen were in a favorable position to redress the balance.

[58] M. Jones to Monroe, Aug. 12, 1805, Lenox MSS.

CHAPTER V

Frontier Problems and Personalities

The occupation of Natchez by the Americans in 1798 and the extension of their control to New Orleans, five years later, did not end their frontier disputes with the Spaniards. These two events simply intensified such administrative problems as centered about the Indians, the recovery of fugitive slaves, the extradition of fugitives from justice, and commerce upon the streams subject to joint ownership. Contemporary diplomacy did little to settle these problems; the acquisition of Louisiana made them more conspicuous. At the same time general distrust and jealousy hampered the efforts of local officials on both sides of the border, and perplexed their distant superiors beyond measure.

Wilkinson and Daniel Clark in their relations with the Mississippi executives, Sargent and Claiborne, and the intendant, Morales, in his controversies with his fellows, Salcedo, Casa Calvo, and Folch, afforded many instances of this sort. Their mutual attacks and recriminations, generally carried on in secret, confused the national interests they professed to serve, and made them less convincing champions when ranged

against their natural opponents. For instance, Sargent, Wilkinson, and Ellicott, from varying motives, opposed the schemes of the land promoter and trader, Zachariah Cox. But they were not able to persuade Gayoso that Cox should be delivered to them when he fled to New Orleans; nor were they able to prevent his return to Tennessee, where he had many friends and sympathizers. Their opposition contributed to the failure of his plan for establishing a commercial route between the Tennessee and the waters of the Mobile, but they could not quiet agitation in favor of the project, nor blot out the land claims that long continued to harass settlers in the bend of the Tennessee.[1]

The adventurer Bowles owed his immunity to lack of harmony among the Spaniards, as well as to his influence over the Indians. Ellicott gave him some assistance when he encountered him wrecked on the Florida coast. Although his presence among the Creeks, whom he attempted to organize into a sort of a republic, was hardly less annoying to the American officials than to the Spaniards, they refused to countenance any underhand means to make way with him or even to apprehend him. When, early in 1803, the

[1] A reprint of the pamphlet issued by Cox in Nashville in 1799 is edited by R. C. McGrane and the writer in the Quarterly of the Historical and Philosophical Society of Ohio, 1913, 29–114. Cf. also Gayoso to Saavedra, Nov. 22, 1798, Spanish Transcripts, Missouri Historical Society. Robertson (No. 4666) reverses the authorship of this document.

Spaniards finally surprised his stronghold at St. Marks and carried him away to the dungeon in which he ended his days, the event relieved the Americans as much as it did their rivals.[2]

The Indians presented an increasing series of problems. Ellicott feared for the safety of his party while surveying in the Choctaw country, and was forced by Creek hostility to retire from the Chattahoochee. Sargent hardly knew how to keep the Choctaw war parties on the American side of the Mississippi, as he was bound to do under the Treaty of 1795, or how to render his necessary parsimony toward them more likable than apparent Spanish munificence.[3] Even Wilkinson varied his pursuit of "the one thing needful" with attempts to place American relations with the Indians on a more permanent basis. To do this he had to forego his dreams of a bucolic existence at Fort Adams, where he might devote himself to land speculations and intrigues with the Spaniards. As a result of two years' effort, however, he flattered himself that he had established relations between the Indians and whites on the basis planned by the British

[2] Pickett, History of Alabama, I, 410–413, 458, 470; Robertson, List of Documents, for 1799–1803, passim; Secretary of War to Benjamin Hawkins, Dec. 12, 1799, Miscellaneous Letters, MS., Vol. 24, same to same, May 30, 1803, Miscellaneous Letters, MS., Vol. 27, Bureau of Indexes and Archives.

[3] Mississippi Territorial Archives, I, passim, Jackson, Miss.

thirty years before.[4] His services were important, but as usual he spoiled the effect by using them to cover up his later mercenary dealings with the Spaniards.

The Indian problem assumed a new importance when the French seemed on the point of reestablishing themselves in Louisiana. The French agents appeared among distant tribes and invited their leading men to visit New Orleans. Such action aroused dire apprehension in the entire Southwest, and led Clark to urge Wilkinson to occupy Mobile or even New Orleans before the French could establish themselves there. He also stimulated quarrels between the French commissary, Laussat, and the Spaniards with some measure of success.[5] Perhaps resentment played as great a part as patriotism in Clark's attitude, for he had been disappointed in his attempt to secure employment under the prospective French régime. At the same time he did not hesitate to give Madison hints of Wilkinson's former shady transactions with the Louisiana authorities. Nor did he and Wilkinson spare Jefferson himself in criticising what they termed

[4] Wilkinson to Dearborn, Mar. 30, 1802, Letters Received, MS., War Department; Pickett, History of Alabama, 462; Claiborne, Mississippi, I, 238.

[5] D. Clark to Wilkinson, Feb. 26, 1803, Wilkinson, Memoirs, II, 249; same to same, Apr. 13, 25, May 4, 5, 20, 28, 1803, Letters Received, MS., War Department.

the nerveless policy of the administration.[6] The chief target for their vituperation, however, was its youthful representative, the new governor of Mississippi, W. C. C. Claiborne.

Wilkinson was perforce also led to concern himself with the navigation of the Mobile and its branches. At the time of the American occupation Gayoso permitted him to send troops to the Tombigbee by way of Bayou St. Jean and the lakes. He told his superiors that he granted this favor because it was an advantage thus to separate the American forces, but he warned Wilkinson not to regard the concession as a precedent for the future. While the boundary commission was in the region Gayoso permitted the schooner *Pallus* to carry provisions from Savannah to Fort Stoddert, the post which the Americans had established just above the line of demarcation. This also was not to be regarded as a precedent, but both incidents caused much trouble for those who came after.

Casa Calvo, Gayoso's successor *ad interim,* believed that in case of hostile outbreak the Americans would use the privilege of transporting troops to surprise and occupy the province. If once they gained the general right to navigate rivers through alien territory they would, by monopolizing the Indian trade, ruin the house of Panton, and reduce the Spanish settlements

[6] (Wilkinson) to Clark, Apr. 30, 1803, Clark, Proofs of the Corruption of General James Wilkinson, Appendix, 196.

to mere presidial guards.[7] The proposal of the American government to establish an Indian factory at St. Stephens gave point to his warning. President Jefferson proposed this establishment as a means to wean the Choctaws from trading at Mobile and other Spanish centers. It was part of his general plan to reform all the aborigines. In this case its success depended on the courtesy of those whom he wished to circumvent. Pursuant to his plan, in March, 1803, he appointed Silas Dinsmoor as agent to the Choctaws, and placed Joseph Chambers in charge of the Indian factory at St. Stephens.[8]

By this time a flourishing settlement was springing up around the trading post. In behalf of these new settlers, therefore, as well as in behalf of the American garrison and trading post, Wilkinson, in the early summer of 1803, determined to make a definite plea to the Spanish authorities in New Orleans for the navigation of the Mobile. The all-pervading suspicion that then characterized the Creole capital led him to employ a special messenger, rather than make the journey himself. His aide, Lieutenant Walbach, brought back word that Morales would for the present permit gov-

[7] Casa Calvo to Someruelos, May 21, 1800, to Urquijo, Oct. 8, 1800, Spanish Transcripts, Department of Archives and History, Jackson, Miss.; Robertson, 4758, 4790.

[8] Claiborne to Silas Dinsmoor, Jan. 28, Feb. 28, Mar. 2, 14, 1803, Claiborne to Chambers, June 28, 1803, Governor's Correspondence in the Mississippi Territory, MS.

ernment goods to pass Mobile, but he must refer the wider commercial question to his home government. In his representation Wilkinson had questioned the exclusive right of Spain to navigate streams only partially within her territory, or to close the only outlet to the sea for residents along the upper courses of a river. With his usual assurance, the general believed that he had "tickled" the intendant's vanity and "bewildered" his "shallow understanding." But Morales granted him only the tentative permission to send one vessel up the Mobile each fall and spring, provided its commander bore the proper official certificate that it was engaged exclusively in public business.[9] It was at this juncture that tidings of the sale of Louisiana to the United States threatened to unsettle all border conditions.

The resulting transfer brought Claiborne and Wilkinson together in conspicuous but distrustful association. While the more crafty of the ill-assorted pair proceeded to renew his mercenary relations with the Spaniards, his inexperienced colleague turned to the perplexing problems that confronted the new régime. Possession of the west bank of the Mississippi had not solved the disputes over extradition, Indian relations, and commercial privileges, but it had localized

[9] Wilkinson to Dearborn, Aug. 20, 1803, with enclosures, MS., Bureau of Indian Affairs, Choctaws and Chickasaws, 1801–1823. Some of the material is duplicated in Wilkinson Papers, MS., II, Chicago Historical Society.

them more definitely in West Florida. The ownership of this region was in dispute, and there were current vague rumors to the effect that the United States would take forcible possession of it, upon the demand of its inhabitants, or would exchange the new acquisition for the Spanish territory east of the Mississippi. It is no wonder that these rumors disturbed the motley population of New Orleans and above all the young executive who was attempting to govern the city.[10]

Nor was the course of the Spaniards at all reassuring. Without consulting the views of the American government, they arranged to have Morales continue his functions as intendant at New Orleans, instructed Casa Calvo to remain there as boundary commissioner, and furnished him with a hundred thousand pesos for his work. The administration regarded Morales as "a mischievous member of society," but he ignored all polite hints that he remove elsewhere. His long term of service as intendant—fourteen years—although technically only an *ad interim* appointment, gives color to the assumption that his superiors found him a useful check upon the actions of his fellow-officials, as well as a shrewd opponent of American pretensions.

[10] From this point the narrative is mainly dependent upon the manuscript volumes of the Claiborne Correspondence, in the Bureau of Rolls and Library, Department of State. These volumes largely duplicate material in the Letter Books of Governor Claiborne, which have just been published. Cf. page x of the Introduction.

Claiborne believed that Morales' presence in New Orleans encouraged opposition to the claim to West Florida, especially among the reputed land speculators.[11]

The affable and popular Marqués de Casa Calvo presented a welcome contrast to the stubborn Morales, but his very excellencies rendered him a dangerous permanent resident. To him Claiborne attributed the persistent rumor that the United States would exchange Louisiana for the Floridas. His reputation for intrigue equalled his courtesy, and the only redeeming feature was the fact that his residence in New Orleans pleased the neighboring Spanish officials as little as it did Claiborne.[12] Moreover the presence of these higher officials seemed more dangerous in view of the prolonged stay of the Spanish garrison in New Orleans. When these soldiers finally left, the perplexed Claiborne was still concerned to find that they had simply gone to the posts on the disputed frontier,

[11] Claiborne to Madison, May 24, 1804, Claiborne Correspondence, II, Bureau of Rolls and Library (Parker, Calendar of Papers in Washington Archives, Relating to the Territories of the United States, No. 6937, Carnegie Institution, Washington, 1911. Later references will be to numbers as in the case of Robertson's Calendar); Hunt, Madison, VII, 78, 115; Morales to Cevallos, Mar. 31, 1804, Legajo 267, Papeles de Cuba; Robertson, Louisiana, II, 30, n. 23.

[12] Claiborne to Madison, Apr. 9, 1804 (Parker, 6971), Sept. 23, 1804 (Parker, 7059), Mar. 30, 1805 (Parker, 7181); Morales to Soler, June 20, 1805, Legajo 595, June 30, 1806, Legajo 2330, Papeles de Cuba.

where reinforcements from Havana or Spain itself would probably join them. The administration did not wholly share Claiborne's fears or trust his reports of the probable strength of these garrisons; but they instructed him to inform such Spanish officials as still remained in the city that October 1, 1804, the date when the new régime for Orleans Territory was to be formally inaugurated, would be a fitting time for them to leave. Neither Morales nor Casa Calvo took the hint.[13]

Complaint and suspicion were by no means all on one side. Casa Yrujo, the Spanish minister, asked Madison to explain why the American government was sending more regular troops to the new acquisition than was at first intended. Such action on the eve of a possible war between Spain and Great Britain seemed suspicious. Madison affected ignorance on the subject, but thought that, even if true, it was only a necessary precaution in a newly acquired territory where the blacks equalled the whites. He assured the Spaniard that, when the anticipated war actually broke out, the Americans would attempt to derive no advantages from it. The obvious policy for both his nation and Spain was to maintain the *status quo* east of the Mississippi. If the president "had varied mili-

[13] Claiborne to Madison, Jan. 31, 1804 (Parker, 6953), Apr. 9, 1804 (Parker, 6955), Oct. 5, 1804 (Parker, 7065); Hunt, Madison, VII, 155; Claiborne to Casa Calvo and Casa Calvo to Claiborne, July 25–27, 1804 (Parker, 7023–7031, passim).

tary dispositions there," his action was simply tentative and a result of previous Spanish movements.[14]

Notwithstanding their common fear of American aggression, the Spanish officials were by no means united in their proposals to defend their threatened frontier. Salcedo, who still wished to retain the emoluments of office, if not its cares, determined to exercise his functions as governor of West Florida at Baton Rouge, which he described as "in that part of Louisiana which still remained to us." He dwelt upon the commercial and agricultural advantages of the region on the Mississippi, and its strategic importance as a point from which to threaten New Orleans.[15] His suggestions for fortifying Baton Rouge fell on deaf ears. His superiors feared that such measures would incite the very attack they dreaded. The commercial advantages of the district as well as its security absolutely depended upon the near-by Americans. Pensacola, more remote, with an excellent harbor and an adequate meat supply, afforded the necessary facilities for headquarters.[16] Its commander, Vizente

[14] Casa Yrujo to Cevallos, Feb. 21, 1804, Adams Transcripts, Bureau of Rolls and Library (Robertson, 4953).

[15] Salcedo to Someruelos, Dec. 13, 1803 (Robertson, 4936).

[16] Gelabert to Someruelos, Dec. 30, 1803 (Robertson, 4938). Someruelos to Caballero, Jan. 7, 1804 (Robertson, 4945). Folch's legal title was "commandante propietario," but his neighbors uniformly called him governor and he so styled himself. Cf. Howard to Someruelos, Oct. 31, 1806, Legajo 1564, Papeles de Cuba.

Folch, rather than the decrepit Salcedo, was invested with the governorship. The old governor retired to the Canaries, and his son, whom report had stigmatized as the evil genius of his administration, later became governor of Texas.[17]

Folch was a nephew of Stephen Miró, who had followed Gálvez in the governorship of Louisiana. During his residence of twenty years on the frontier he had advanced regularly in commission and responsibility. He knew his neighbors to the northward, their language and their political views, and watched them with keen insight and justifiable foreboding. Claiborne later spoke of him as possessing "more temper than discretion, more genius than judgment," and characterized his general conduct as "far from conciliatory."[18] But even so, he was more than a match for the American, and during his eight years of executive control performed his difficult tasks to the satisfaction of his superiors and the discomfiture of his enemies.

Baton Rouge, if not to become the capital of his province, was destined to remain its storm center. Captain Carlos de Grand Pré remained in immediate charge of it, and his mild administration was better cal-

[17] Robertson, Louisiana, II, 41, 231; Claiborne to Madison, Feb. 26, 1804 (Parker, 6950).

[18] Folch to His Majesty, Aug. 1, 1803, Legajo 179, Papeles de Cuba; Claiborne to Madison, Mar. 30, 1805, Claiborne Correspondence, III, Bureau of Rolls and Library.

culated than were the more vigorous methods of Folch to keep its Anglo-American population under nominal Spanish sway. Folch often suspected Grand Pré's ability, if not his loyalty, but the fact remains that the subordinate quelled such disturbances as threatened the peace of the western jurisdiction under his rule without the governor's personal intervention.[19] Folch's enmity finally drove Grand Pré from office to a premature grave, but his successor needed barely twelve months to incite the disaffected residents of the region to open rebellion.

The greater part of these were Anglo-Americans who resented the fact that they were not included in the transfer at New Orleans, and who showed their dissatisfaction by insolent threats against the local officials or by open disobedience. The officials, taking their cue from the conciliatory Grand Pré, tried to placate the disaffected without jeopardizing the interests of the existing government.[20] Yet they held the American administration responsible for the incipient revolt that shortly broke out in the Baton Rouge district. Jefferson anticipated such an event and contemplated it with equanimity, but this attitude did not imply the direct complicity that the Spaniards charged against him.

[19] Cf. pp. 158–161. Folch's correspondence during 1804 and 1805 emphasizes the necessity for defending Baton Rouge (Robertson, 5011, 5017, 5031, 5033).

[20] Casa Calvo to Cevallos, May 18, 1804 (Robertson, 4974).

The causes of the insurrection of 1804 antedated the acquisition of Louisiana. Its leaders were the three Kemper brothers, who long bore an unenviable reputation on the border as disturbers of the peace. The struggle was precipitated by a lawsuit between them and John Smith, a prominent merchant of Cincinnati and speculator in West Florida lands, who was then serving in the United States Senate. His agents having proved unprofitable, if not faithless, Smith obtained a judgment against them from a committee of disinterested neighbors, and sought through another agent to eject them from some of his property near the mouth of Bayou Sara.[21] In June, 1804, the alcalde, Alexander Sterling, had some altercation with Nathan Kemper. He then placed himself at the head of some twenty members of the provincial militia and sought to execute the order which Grand Pré had issued to cover the case. Nathan and Samuel Kemper, with four other well armed companions, barricaded themselves in a house on the disputed premises, while their more notorious brother, Reuben, seconded their resistance by sending threatening missives from New Orleans. Under the circumstances, Sterling contented himself with patrolling the neighborhood, while awaiting further instructions from Grand Pré.

That distressed official could only advise him to

[21] Grand Pré to Folch, July 19, 1804, Legajo 106, Papeles de Cuba.

pursue his cautious policy. While the district was the most populous of West Florida its residents were largely Anglo-Americans, "inclined to insubordination and prone to insurgency." Aside from the uncertain militia, he could muster a force of only fifty-six, "including the drummer boy and the invalids." Beyond the line were the dreaded frontiersmen, who looked upon his jurisdiction as their next acquisition and were only too ready to initiate the necessary measures to acquire it. Pensacola and Havana were too distant for ready recourse. Casa Calvo at New Orleans was the only one who might aid him, and in his extremity he applied to him for the necessary men and gunboats, with which to "exterminate all these vagabonds at one blow." But he did not await the tardy arrival of reinforcements. He sent an improvised gunboat under the command of Thomas Estevan, who, cooperating with the militia under Champney Terry, drove the outlaws from Bayou Sara into American territory.[22]

Casa Calvo lost no time in letting Claiborne know of these events. Reuben Kemper had already appealed to the latter in regard to Smith's lawsuit, under the impression that Claiborne was to take possession of the disputed territory. Having referred Kemper to the marqués, the governor now expressed his regret

[22] Grand Pré to Folch, June 20, 1804 (Robertson, 4979); Grand Pré to Casa Calvo, June 24, 1804 (Robertson, 4981); same to same, Aug. 28, 1804 (Robertson, 4998).

at the hostile outcome, but was sure that no American official was concerned in it. Casa Calvo had intimated the contrary, and Morales repeated the charge more definitely. Both Claiborne and Casa Calvo took advantage of the occasion to mention the claims of their respective governments in the rebellious territory, but as a negotiation was impending to settle them, the former urged leniency toward the misguided rebels.[23] Casa Calvo promised to recommend this, and upon his advice Grand Pré offered to pardon the Kempers if they and their seditious companions would leave the province.[24]

This offer only elicited threats to burn and pillage the dwellings of their opponents and encourage their slaves to escape. A provincial patrol under Vizente Pintado fired upon a marauding gang about to cross the line and wounded and captured two of them. But as Georgia, Kentucky, and Tennessee could easily replace these "white Indians and river pirates," the harassed governor renewed his plea for men, money, munitions, and vessels to cope with them. After attempting to fire Pintado's house, the outlaws still further astonished him, on July 20, by reappearing at Bayou Sara. Pintado naïvely ordered them to deliver up their arms and leave the disputed premises,

[23] Claiborne to Madison, June 27, 1804 (Parker, 7006).

[24] Grand Pré to Casa Calvo, Aug. 28, 1804 (Robertson, 4998).

and requested further instructions from Grand Pré. Disregarding threat or proffered pardon, the impudent scoundrels continued in his jurisdiction and in that of the neighboring alcalde, John O'Conner, accompanied by a rabble of untrained vagabonds, who gathered stolen horses and slaves with impunity.[25] With such subjects the lot of the Florida official was far from enviable.

But worse was to come. On August 7 the brothers Nathan and Samuel suddenly crossed the line at the head of some thirty followers, seized Pintado, O'Conner, and Terry, whom they treated with marked indignity, burned Pintado's house and cotton gin, and took up their march for Baton Rouge. Their purpose was to surprise and capture Grand Pré, and thus force the surrender of the fort. This was no mere act of bravado, but evidently a serious attempt to overthrow the existing government, for it was accompanied by a proclamation of independence, supposedly the work of Edmund Randolph of Pinckneyville, a partner of Daniel Clark.[26] They also raised a banner composed of seven

[25] Grand Pré to Casa Calvo, July 19, 1804 (Robertson, 4982), same to same, July 21, 1804 (Robertson, 4984).

[26] This remarkable document begins with the statement, "For a people to be free it is sufficient that they will it." It then continues: "Whereas, the despotism under which we have long groaned, has grown into an unsupportable burthen, and as it is long since admitted men are born with equal rights, we the undersigned, inhabitants of that part of the [Spanish] dominions called West Florida, have resolved to

white and blue stripes, bearing two stars in a blue field. Thus equipped they inaugurated their campaign for "Floridean freedom."

By seven o'clock on the evening of that initial day of freedom Grand Pré was informed of the threatening peril by one of Pintado's slaves. Other messengers confirmed this report, and among them an Englishman, John Mears, gave some details of the insurgents' reputed strength and purpose. They claimed to have two hundred men enlisted in their cause, and were prepared to maintain it whether the United States or any other government came to their aid or not. Grand Pré put his slender garrison in a state of defense and summoned the neighboring militia. At daybreak on the following morning he exchanged shots with two small parties skulking near the fort. Later John O'Conner came as the messenger of the rebels to offer himself and fellow-hostages in exchange for

throw off the galling yoke of tyranny and become freemen, by declaring ourselves a free and independent people, and by supporting with our lives and property that declaration." They then invited "fellow sufferers throughout the province aforesaid . . . to aid in our common emancipation." The signers pledged themselves to avoid unnecessary bloodshed and to respect private property. As soon as they accomplished their emancipation they proposed to offer themselves "to some government accustomed to freedom." Those who opposed them were to be regarded as their "common enemy, the enemy of mankind, and of liberty." This proclamation was published in the Charleston Courier, Sept. 2, 1804 (Robertson, 4997).

the prisoners whom Grand Pré held. The latter refused to treat with the insurgents. O'Conner could give no idea of their strength, but evidently it was not great enough to enable them to assault the fort without artillery. On the other hand the Spanish forces did not dare venture beyond their fortification.

Discouraged by their failure to capture Grand Pré and the unwillingness of the people at large to revolt, the insurgents on the 9th retreated to Bayou Sara. There, as "banditti," they speedily resumed on both sides of the line their marauding practices, which they tried to dignify "under pretense of giving freedom to West Florida."[27] It was these practices, unchecked by the Mississippi authorities, that doubtless deterred many in Feliciana from espousing the cause of the insurgents and led the better elements there to appeal to the Spaniards for protection. O'Conner reported that nearly all the people there were ready to revolt, and that the unstable American population above was ready to assist them. Grand Pré even believed that Cato West, the acting governor of Mississippi, definitely encouraged their aspirations. Outside Feliciana, the people remained loyal and willingly responded to the call for such military service as the situation demanded. In relays of a hundred each they manned the fort, kept the patrols, garrisoned strategic points, and loaned their slaves to the common cause.

[27] Grand Pré to Casa Calvo, Aug. 8, 1804 (Robertson, 4989); Charleston Courier, Sept. 25, Oct. 11, 1804.

By August 16 the commandant, assisted by Armando Duplantier, Samuel Fulton, and George Dupassau, had assembled, organized, and armed a force of nearly a hundred and fifty volunteers, largely from the vicinity of the Amite and Comite rivers. On that morning Grand Pré presented them with a small flag and "an analogous discourse," and sent them to scour the roads passing through Feliciana. Michael Jones, a famous partisan of the American Revolution, was to gather men in the St. Helena or Ticfau region and secure the near-by roads leading into American territory. With boats at the same time blockading Bayou Sara, Grand Pré hoped to cut off the escape of the insurgents and prevent a recurrence of the revolt.[28]

While these forces were marching to suppress the insurrection, Grand Pré entertained an unexpected but distinguished guest. Daniel Clark presented a penitent letter signed by Nathan Kemper and five other leaders, and asked the commandant to pardon them on the plea that they were now ready to lay aside their arms and refrain from further molesting persons or property. Grand Pré did not believe him, recounted the outrages which the insurgents had committed both against citizens and against the province, and sharply chided Clark for asking him to pardon them. Moreover he plainly told Clark that the people of Feliciana

[28] Grand Pré to Casa Calvo, Aug. 17, 1804 (Robertson, 4991).

associated his partner Randolph with the insurgents' proclamation. On the whole the American did not carry on the interview with his usual confidence. Grand Pré was persuaded that Clark and Randolph had largely stimulated the revolt because of their extensive property interests in Feliciana, and that his own military preparations had caused them to abandon their original design and had brought Clark to ask pardon for the deserters. But he was not inclined to be lenient with them a second time.[29]

If Grand Pré's military precautions dumfounded the supposititious chief conspirator, they failed to entrap his scattered adherents. Secrecy on the part of the authorities was impossible; the American border was very near, and the highways and byways thither were sufficiently numerous to favor the fugitives but were so nearly impassable as to hinder organized pursuit. The leaders of the punitive forces, Fulton and Duplantier, carried on a tart correspondence with the local authorities in Pinckneyville. The latter promised to arrest and punish all who violated the laws of the United States, but refused to compel revolting Spaniards to leave their territory. Under such a ruling the Kempers and their followers feared no personal harm above the line, while their property interests below were so slight as to be negligible. There remained

[29] Grand Pré to Casa Calvo, Aug. 19, 1804 (Robertson, 4992).

nothing for Grand Pré to do but arrange to have his jurisdiction adequately patrolled, and to thank the officers and men whose services, even if interested, had enabled him to survive a perilous revolt.[30]

When Casa Calvo learned of the second Kemper outbreak he reported the facts to Claiborne, and asked him, by notifying the neighboring officials, to prevent aid from reaching the insurgents. In proffering his request he had no wish to insinuate that the American government countenanced these outrages. His only purpose was to preserve the harmony that then existed between the two nations. He also asked Claiborne to reprimand or imprison Reuben Kemper for his threatening correspondence with Alexander Sterling. Claiborne's answer was delayed on account of a severe attack of fever, but at the end of a fortnight he assured Casa Calvo that he would notify the officials as requested, although he hardly thought it necessary. Certainly no Americans of repute had countenanced the insurgents in West Florida. On September 13 Casa Calvo reported that the outlaws had taken refuge in Mississippi Territory, and asked that they be extradited or required to move away from the border. Claiborne refused to apprehend them, but promised to bring the affair to the attention of the president and

[30] Fulton and Duplantier to Thomas Dawson and reply of latter, Aug. 21, 1804 (Robertson, 4994, 4995). Cf. also the three following entries in Robertson.

the acting governor of the territory.[31] As the Spaniards strongly suspected both officials of encouraging the disturbance, his offer doubtless gave them little satisfaction. However, they attributed the whole policy of the United States toward such offenders as due more to the weakness of its government than to the open wish of its officials.

When Folch first heard of the disturbances at Baton Rouge, he hesitated to advance westward until he could learn the disposition of the people in the St. Helena district. Assured of their loyalty, he sent forward a force of fifty men with artillery to construct a military road from Mobile to Baton Rouge, and requested the captain-general to send him more men and vessels.[32] As soon as he learned of the second outbreak—about three weeks after the event—he placed himself at the head of a force three times as large as that of the insurgents, and on August 31 left Pensacola for Baton Rouge by way of the lakes. His course indicated some distrust of Grand Pré's age and activity, if not of his attachment to the Spanish cause, but when he reached Baton Rouge all was quiet. He recommended better fortifications; provided for a bet-

[31] Casa Calvo to Folch, Aug. 11, 1804 (Robertson, 4990); Claiborne to Casa Calvo, Aug. 27, 1804 (Parker, 7039); Claiborne to Casa Calvo, Sept. 13, 1804 (Parker, 7056). Cf. also Parker, 7041, 7042, 7055.

[32] Folch to Someruelos, June 6, 1804, Legajo 1557, Folch to Casa Calvo, July 17, 1804, Legajo 55, Papeles de Cuba.

ter system of administrative and police regulations, particularly in respect to foreigners, Indians, and negroes; and then, led by the scarcity of provisions at Baton Rouge, returned to Pensacola. On his way back he passed through New Orleans, where the arrest of one of his officers led to a bitter correspondence with Claiborne. That executive believed Folch's journey to be useless and possibly hostile to the United States, but the Spanish authorities approved it and rejoiced in its successful outcome.

Folch partly attributed the disturbances to the careless if not criminal methods of Morales in conducting his land sales and to a six per cent duty on the cotton and other products shipped from the district. The American administration knew of the discontent prevailing there and, as he strongly suspected, was only too glad to use it in gaining its territorial claims. The official periodical of Mexico reported the same view.[33] Casa Yrujo reiterated it from Philadelphia, and while visiting Jefferson at Monticello, brought the matter up in such a way as to cause the president considerable embarrassment. When his own part in

[33] Folch to Someruelos, Aug. 27, 1804, Legajo 1557, same to same, Dec. 5, 1804, Legajo 1558, Folch to Josef Rufiñaco, Oct. 8, 1804, Legajo 55, Folch to Casa Calvo, Oct. 7, 1804, Legajo 55, Papeles de Cuba; Instructions to Syndics, Oct. 30, 1804 (Robertson, 5008); Claiborne to (Madison), Nov. 22, 1804 (Parker, 7085); same to same, Apr. 27, 1805 (Parker, 1794); Charleston Courier, Oct. 8, 1804.

the mortifying Jackson episode became known, he tried still harder to connect Jefferson, and particularly Madison, with the insurrection in West Florida. Madison met this attempt with decidedly bad grace, but desiring to insure the success of Monroe's mission he advised Claiborne to bring the instigators of such movements to justice if they operated within the limits of the United States or attempted to enlist the aid of American citizens.[34]

Affairs along the Florida border, however, were not to remain peaceful as long as the Kempers were at large. In April, 1805, it was reported at Pinckneyville that Reuben, with some companions, had departed for the Bahama Islands to enlist the aid of the British in a project to invade and plunder the Baton Rouge district and slaughter its principal inhabitants. Edward Randolph was reputed to be one of the leading conspirators. His residence near the line and his business connections on both sides of it enabled him to exert his sinister influence to the utmost.

The alarmed Grand Pré was even in worse shape to deal with such a project than he had been the year

[34] Casa Yrujo to Someruelos, Sept. 14, 1804, Legajo 1708, Papeles de Cuba; Casa Yrujo to Cevallos, Dec. 5, 1805, Legajo 5546, Estado, Archivo Histórico Nacional, Madrid; Casa Yrujo to Madison, Nov. 5, 22, 1804, Spanish Notes, MS., I, Bureau of Indexes and Archives; Casa Yrujo to Cevallos, Oct. 26, 1804 (Robertson, 5003, 5007); Madison to Claiborne, Nov. 10, 1804 (Parker, 7104).

before. Casa Calvo, to whom he straightway appealed, found Claiborne regretful but dubious about the conspiracy, although willing to warn his fellow-officials. Robert Williams, the new governor of Mississippi, was equally skeptical but was fairly complaisant. Grand Pré had furnished him with a list of the insurgents and their abettors. Folch asked him and Claiborne to assist in punishing them, but counseled Grand Pré to rely on his own efforts rather than on those of the American officials. Williams promised to cooperate with the Spaniards in suppressing all border lawlessness, and especially the outbreaks of the Kempers. But his course a few months later showed Grand Pré the wisdom of Folch's advice.[35]

The Kemper episodes, the reports that American revenue officers had sacked a house on the Pascagoula, and that unknown persons were killing cattle and indulging in promiscuous shooting near Mobile, made the Spaniards more than ever determined to prevent Americans from settling in their territory or traveling through it without passports.[36] But in the summer of 1805 they

[35] Thomas Hutchins to Grand Pré, Apr. 22, 1805, Legajo 1559, Papeles de Cuba; Grand Pré to Casa Calvo, Apr. 29, 1805, Casa Calvo to Claiborne, May 6, 1805 (Parker, 7207). Cf. also 7209, 7210, 7212, 7214; Executive Journal Mississippi Territory, 1805–1810, MS., 7; Grand Pré to Williams, May 29, 1805, Mississippi Territorial Archives, MS.; Folch to Williams, June 6, 1805, ibid.

[36] Casa Yrujo to Madison, Aug. 2, 1805, Spanish Notes, MS., I, Bureau of Indexes and Archives; Folch to Someruelos,

afforded the Americans some chance to make counter-complaints. In July a murderer named William Flannigan fled from Lake Maurepas to Mississippi Territory. More than a month later a posse of twelve rode above the line in search of him, threatened a resident on the Ticfau, named Holden, and apprehending the nephew of the murderer, took him some ten miles below the line, deprived him of his horse, and forced him to trudge home on foot. This act technically constituted a violation of American sovereignty, but the character of all concerned was evidently such as warranted little attention from the authorities.[37] For more than a month those of Mississippi took no notice of it; then a new disturbance in which the Kempers figured, or possibly hints from the seat of government, caused Williams to add this to his inflated catalogue of Spanish aggressions.

On the night of September 3 a party of white men and negroes seized Nathan and Samuel Kemper in their homes near Pinckneyville. A more important prize was the redoubtable Reuben, whose chance presence there probably determined the time of the foray. Apparently the attacking party was composed of residents from each side of the line, who regarded the brothers, and especially Reuben, as a common scourge.

Sept. 13, 1805, Dec. 13, 1805, Legajo 1559; Folch to Casa Yrujo, Feb. 17, 1806, Legajo 185, Papeles de Cuba.

[37] American State Papers, Foreign Relations, II, 685.

Having secured them, they passed below the line, and when a few feet within the province of West Florida, "casually" met a party of twelve Spanish militia under Captain Solomon Alston. The captors then fled in the darkness, leaving the Kempers in Alston's hands.

Captain Alston immediately led his prisoners to Tonica Bayou, whence he proceeded to conduct them under guard to Baton Rouge. While on the way the pirogue in which they were proceeding approached so near the west bank of the Mississippi that the Kempers were able to inform a chance passerby of their plight. Lieutenant Wilson, commanding the American garrison at Point Coupee, took the whole party into custody, and prepared to defend himself against any counter-attack from the Spaniards. Under orders from Captain Richard Sparks, they were conveyed to Fort Adams and turned over to the civil authorities. Thus the Kempers, whom "inexplicable chance" had apparently delivered into the snare of Spanish justice, found themselves once more in their customary refuge.

Williams at once called out a company of militia for patrol duty at Pinckneyville and another on the Ticfau Bayou. Having thus prepared himself against any hostile move on the part of his Spanish neighbors, he proceeded to lecture Grand Pré for this technical invasion of American territory. Grand Pré's reply to the other's scarcely veiled threats was moderate, if

not convincing. He pointed out that disturbances for which the Kempers were responsible accounted for the maintenance of the border patrol that had by chance encountered them. As those who apprehended the Kempers were American citizens, the Spaniards were not responsible for the initial outrage. The arrest of the guard and prisoners on the Mississippi was a violation of the Spanish right to navigate that river; so he requested the release of the patrol and the extradition of the Kempers for punishment. After an examination before Judge Thomas Rodney the Spanish subjects were released and the Kempers bound over to keep the peace.[38]

There is little in the career of these outlaws to suggest the border hero, or even the victim of Spanish persecution; but Jefferson, needing material to arouse the country against Spain and to exert a favorable effect on our negotiations for the Floridas, resorted to the use of a partial statement of the Kemper and Flannigan incidents. Casa Yrujo, after the president's message, did not hesitate to supply additional facts, in a statement to his fellow-diplomats. This speedily reached the public prints, but elicited no reply from the incensed Madison. The Spanish minister pointed out that such disturbances were bound to occur in an un-

[38] American State Papers, Foreign Relations, II, 683–689; Grand Pré to Folch, Dec. 23, 1804, Legajo 5546, Estado, Archivo Histórico Nacional (A. H. N. hereafter), Madrid.

settled border population served by irregular militia officials, and that they became important only when one government or the other sanctioned them or refused satisfaction upon complaint. In spite of the malice of this suggestion he was more charitable than Grand Pré, who thought that the American government was simply using the occurrence as a pretext for hostility, or Folch, who in a private letter marvelled that the American president "could separate himself so far from the truth."[39]

A less dramatic but more persistent series of problems centered around Mobile Bay and its affluents. The inadequate and temporary privilege granted by Morales, at Wilkinson's request, in the summer of 1803, led Claiborne to undertake a more comprehensive agreement with Folch. The Indian agent Chambers wrote that he could not continue his trading house at St. Stephens if obliged to pay duty to the Spaniards at Mobile on such goods as he needed. Claiborne pointed out to Folch that this trade kept the Indians contented and thus assisted the United States in fulfilling its treaty obligation to keep them quiet; but to no effect. Perhaps Folch knew a better way to restrain them. Claiborne then advised Chambers to pay the duty under protest, and took the same course in the matter of provisions for Fort Stoddert. In the

[39] Casa Yrujo to Someruelos, June 18, 1806, Legajo 1708, Folch to Casa Yrujo, Feb. 17, 1806, Legajo 185, Papeles de Cuba.

autumn of 1804 the question recurred. The collector at Mobile permitted a vessel loaded with military stores to proceed to Fort Stoddert, upon the promise of its cap- ant at Mobile, Joaquín de Osorno, reported that John them. In the spring of 1805 Chambers went to New Orleans, and through the intervention of Casa Calvo secured temporary permission, pending royal decision, to bring out his cargoes of furs and to take in free of charge such supplies as were needed at his factory and at Fort Stoddert.[40]

But private commerce must look out for itself, and according to rumor it was ready to do so in typical frontier fashion. In September, 1804, the command- ant at Mobile, Joaquín de Osorno, reported that John Caller, a militia colonel, and James, his brother, justice of the peace in Washington County on the Tombigbee, were threatening to capture and burn every Spanish vessel that came up the river and throw its crew over- board. Their utterances suggest a desire to rival the Kempers. The Spaniards were inclined to regard them as mere empty threats; but as the American frontier magistrates, according to Osorno's superior, Lieutenant-Colonel Carlos Howard, were often ignor- ant and half civilized, no one could expect wisdom or

[40] American State Papers, Foreign Relations, II, 678–680; Charleston Courier, May 1, 1804; Claiborne to Madison, with enclosures, Mar. 30, 1805 (Parker 7181, 7182, 7183).

moderation from them. So the incident in time swelled the Spanish diplomatic correspondence.[41]

A proposal for a general embargo that then appeared in the National Intelligencer aroused Casa Yrujo's apprehensions. In connection with random newspaper comment on the commerce at Mobile and proposals to retaliate by restricting Spanish commerce on the Mississippi, he believed it indicated a settled spirit of hostility against Spain. When Jefferson referred to exactions on the Mobile, in his annual message of December, 1804, Yrujo was more than ever confirmed in his view. In a vigorous rejoinder, in which he included the Kemper affair of that year, he pointed out that the duties were moderate—only six per cent. Navigation existed there only by the courtesy of Spain, and could not be claimed as a right. Spain did not interfere with commercial regulations at Fort Stoddert, nor should the United States complain of those at Mobile.[42]

The situation on the Mississippi afforded the Spaniards some opportunity for counter-attack. The Americans permitted vessels to pass New Orleans for West Florida only under adequate bond and close in-

[41] (Casa Calvo) to Howard, Oct. 8, 1804, Legajo 55, Folch to Someruelos, Aug. 12, 1804, Legajo 1558, Papeles de Cuba; Casa Yrujo to Madison, Oct. 19, 1805, Spanish Notes, MS., I, Bureau of Indexes and Archives.

[42] Annals of Ninth Congress, Second Session, 690; Casa Yrujo to Cevallos, Nov. 20, 1805 (Robertson, 5056).

spection. This care was deemed necessary to prevent smuggling, but the Spaniards regarded these regulations as designed to restrict their commerce altogether. The Americans did not permit vessels loaded with slaves to go up the river at all, for this would measurably defeat their regulations against this traffic in Orleans Territory. Yet they did not think that these restrictions paralleled those on the Mobile. Naturally the Spaniards did not accept this view, Casa Yrujo least of all.[43]

In addition to the perennial commercial problem, the Spanish possession of West Florida presented another of minor but irritating character. One of the two natural postal routes to New Orleans passed thither from Muscle Shoals on the Tennessee by way of Natchez, St. Francisville, and Baton Rouge. The other extended from Muscle Shoals to Mobile, thence to the mouth of the Pascagoula, and on by the lakes to the city. In either case the Spaniards controlled an important stretch of the route. Acting upon Madison's suggestion, Claiborne, in the summer of 1804, arranged to have the mail by the western route pass through Baton Rouge. Samuel Fulton was designated as a "discreet person" to open the mail-bags and distribute the portion belonging to residents in that juris-

[43] Robertson, Louisiana, II, 188; Madison to Claiborne, Dec. 15, 1804, Domestic Letters, MS., Vol. 14, 415, Bureau of Indexes and Archives (Parker, 7114).

diction.[44] In the following year Claiborne tried to arrange for a like privilege through Mobile. Casa Calvo favored his request, but Casa Yrujo refused to sanction it. He did, however, use the president's application as a text for a well-merited lecture on American pretensions and encroachments.[45]

In May, 1805, under the mistaken impression that Folch was actually constructing a military road from Mobile to Baton Rouge, Jefferson felt that he might reasonably ask for the postal privilege. He instructed Claiborne to approach Folch directly, while the American representative took up the matter at Madrid. After several unsuccessful attempts, Claiborne's secretary, John Graham, finally reached Pensacola in the fall of 1805. In an interview with Folch he learned that the other had no objection to the proposal. The post-riders were to proceed from Fort Stoddert by water to New Orleans, although the president hoped later to extend the land route to the mouth of the Pascagoula or the Pearl.[46]

The failure of Monroe's negotiation caused intense anxiety on both sides of the Atlantic. Nowhere was

[44] Madison, Writings, II, 203; Claiborne to Madison, Oct. 5, 1804 (Parker, 7665).

[45] Casa Yrujo to Madison, Mar. 12, 1805, Spanish Notes, MS., I, Bureau of Indexes and Archives.

[46] Jefferson Papers, MS., Third Series, Vol. 10, No. 300, Vol. 11, Nos. 26, 237, Library of Congress. Cf. Parker, 7244, 7249, 7250.

this more felt than on the exposed Florida border. Grand Pré confidently expected an attack from Mississippi, and recent events did much to justify his fear. The arrival of some three hundred and fifty additional soldiers at Pensacola in the fall of 1805 gave Claiborne equal concern. He expected the greater part of them to reinforce Mobile and Baton Rouge, and wondered how he should meet them, in case of emergency, with less than three hundred regulars in New Orleans and not more than five hundred reliable men all told. Yet Folch denied any actual increase in his garrisons and Claiborne's messenger, John Graham, could find no direct evidence to the contrary. Folch told Graham that the Kemper affair and the threats of the Tombigbee settlers would warrant such an increase in his forces, especially as the Americans seemed to be strengthening their garrisons at New Orleans and Fort Stoddert. He had not complained of the latter fact, and he commended his course to the other. Rumors that the Spaniards were tampering with the Indians seemed equally groundless. But the course of the astute governor was not wholly disingenuous. He earnestly besought the captain-general to send him more men, and even attempted to purchase some French cannon still remaining in New Orleans. The consul refused to sell them, but assured him that the Americans should not get them.[47]

[47] Claiborne to Madison, Oct. 24, 1805 (Parker, 7291); same

In the autumn of 1805 Claiborne also ventured, through the obliging Casa Calvo, to renew his inquiries into the land sales of Morales. The intendant's recent activity betokened an attempt to profit to the uttermost from a transfer which his government resisted but could not prevent. Many unprincipled Americans were ready to encourage his double-dealing. The only security lay in stopping these sales entirely. After a heated correspondence, carried on through Casa Calvo, the American governor peremptorily ordered Morales to discontinue his sales at once or leave the province. By complying Morales prolonged for some months his residence in New Orleans.

Rumor involved Casa Yrujo in Morales' transactions, but that minister's correspondence does not reveal his complicity. Casa Calvo repudiated the intendant's policy, although he tried, at the same time, to bind Claiborne not to sell any land beyond the Mississippi. This continual attempt to balance territorial complaints, coupled with a reference to the undue expansion of republics, caused Claiborne to resent the continuing residence of the marqués. Casa Calvo assumed the functions of a diplomat and did more than a diplomat's work. His presence kept alive a feeling of loyalty to Spain and gave force to the per-

to same, Dec. 9, 1805 (Parker, 7312); Folch to Someruelos, Jan. 31, 1806, Legajo 1559, same to same, Mar. 12, 1806, Legajo 185, Morales to Soler, Apr. 30, 1806, Legajo 2330, Desforgues to Folch, Mar. 10, 1806, Legajo 185, Papeles de Cuba.

sistent report that the United States would exchange the west bank of the Mississippi for the Floridas. Claiborne devoutly wished to be rid of him and all other busybodies.[48]

There was much in the official correspondence of the Spaniards, had he but known it, to justify his wish. Morales urged his countrymen at all cost to regain the right bank of the Mississippi and the Island of New Orleans, and thus break up the rapidly increasing illegal trade that centered at the latter port. If Spain should offer the right of deposit at New Orleans, the Americans, with their repugnance to high war taxes, would be led to make a peaceful exchange for the Floridas. But an ideal policy would be to keep the Americans wholly away from the Gulf. Mobile and Pensacola in their hands would inevitably become centers of contraband trade.[49]

From the tone of the president's message of December, 1805, Casa Yrujo and Folch, in common with most American citizens, were led to anticipate a speedy declaration of war against Spain. They preferred to meet the peril by military measures rather than territorial bargaining. They proposed first to insure the safety of Mobile and Pensacola by seizing the American forts on the Tombigbee. Then they would at-

[48] Claiborne to Madison, May 19, 1805 (Parker, 7217). Cf. also 6997, 7255, 7258, 7259, 7270–7274.

[49] Morales to Soler, Sept. 20, 1805, Legajo 595, Papeles de Cuba.

tempt to reduce New Orleans and Natchez, as a preliminary step in acquiring the western bank of the Mississippi. At the same time they hoped to stir up sedition in Kentucky and Tennessee. This marks a recurrence to the outworn separatist intrigue, but even so they were not more blind than was the American administration a year later. In their judgment anything was preferable to a mere defensive policy. A general council of war, convened by Folch, devised plans in keeping with these suggestions.[50]

At least one among the American officials had some inkling of these plans. Harry Toulmin, a recent appointee from Kentucky, was the federal judge in the eastern or Tombigbee district of Mississippi Territory. Interested in all that advanced the material and moral interests of his adopted home, he did not hesitate to point out some of the perils that threatened it. Although one of the most exposed regions in the whole United States, the Tombigbee country mustered barely three hundred militia. While this number might suffice to take Mobile, he anticipated, in case of war, that the Spaniards would be forewarned and would attack first, probably with the aid of the Indians. But if the American settlers were ready for a quick, bold stroke and could be reinforced by a thousand militia from Tennessee and Kentucky, they could

[50] Folch to Someruelos, Jan. 20, 1806, Legajo 1559, Folch to Casa Yrujo, Feb. 17, 1806, Legajo 185, Papeles de Cuba.

readily secure the Floridas and also gain the good-will of the savages. The country could provision a reasonably large force even if the enemy consumed most of the surplus food. Although the Spaniards had recently been reinforced, and were establishing beacons and block-houses along the coast, they were lately becoming polite to the Americans; but he was uncertain whether this betokened peace or war.[51]

In his reference to Spanish politeness Toulmin could hardly have had in mind the Spanish attitude toward the Mobile trade, in which he was vitally interested. In July, 1805, he reported that there were two vessels at Fort Stoddert loading with cotton and that they would attempt to pass Mobile without paying the duty. One of them actually did so, using the eastern fork of the river; but on the return voyage the owners directed her captain to call at the port and pay duty on the previous cargo, as well as on the one she then carried. The incensed Spaniards seized both vessel and cargo, although part of the latter belonged to the government trading house. Toulmin, who was also interested in a schooner loaded with goods for the Indian factor, Chambers, tried to discuss with Colonel Maximilian de St. Maxent, then commanding at Mobile, the right and the advisability of the Spanish practice in levying duties at Mobile, but he met with no

[51] Toulmin to Lattimore, Feb. 1, 1806, Miscellaneous Letters, MS., Vol. 30, Bureau of Indexes and Archives.

encouragement. An appeal to Congress through the territorial delegate, Hugh Lattimore, was equally fruitless. The House referred the matter to the secretary of state, but Madison's previous discussions with Casa Yrujo did not encourage a second resort to the mooted question.[52]

Claiborne also intervened in the dispute. In October, 1805, he tried to find out from Morales when the Spaniards began to lay duties at Mobile, and asked him to discontinue the practice, pending an appeal to their governments. Incidentally the American took occasion to intimate that the claim of the United States to West Florida gave his country the exclusive right to navigate the river, but he tried not to be offensive about it. In view of his other disputes with Morales, Claiborne could hardly expect the intendant to second his efforts, but that official promised to write Folch about the duties, and in the meantime to do nothing to disturb the existing harmony. The only result of the intendant's inquiry was to add to the bitterness already existing between him and Folch. The latter resented his intermeddling and refused to mix up in any way with the other's intrigues.[53]

[52] American State Papers, Foreign Relations, II, 683; Toulmin to St. Maxent, Oct. 4, 1805, Mobile Records, MS., County Court House, Mobile, Ala.; Petition of William Harvey and William and John Pierce *et al.*, Dec. 22, 1805, Miscellaneous Letters, MS., Vol. 30, Bureau of Indexes and Archives; cf. also Parker, 4403.

[53] Claiborne to Morales, Oct. 22, Morales to Claiborne, Oct.

The American governor also addressed himself directly to Folch, and instructed John Graham to bring up this subject, in connection with a discussion of postal routes, increase of garrisons, and other points at issue. Folch assured Claiborne's messenger that the objectionable duties were already established when he assumed office, so that he could not change them, but he was willing to suspend them temporarily, provided Graham could give him satisfactory assurance regarding vessels bound for Baton Rouge and other points in West Florida. If the Americans did not detain these vessels at New Orleans or force them to pay duties on goods reexported to those points, he would, pending royal decision, prove equally accommodating on the Mobile.[54]

Graham could not give him the assurance required. Claiborne, when the other brought back the proposal, feared that it was simply a pretext to estop his complaint. He learned upon inquiry that there were no duties such as Folch mentioned and that vessels loaded with slaves could not pass up the river. This restriction would probably be sufficient to confirm the Spanish

23, Morales to Folch, Oct. 25, Folch to Morales, Nov. 28, 1805, Legajo 185, Papeles de Cuba; American State Papers, Foreign Relations, II, 682.

[54] Claiborne to Folch, Oct. 31, 1805 (enclosed in Parker, 7294?); Folch to Claiborne, Nov. 28, 1805 (Parker, 7308, 7310).

governor in his attitude.[55] During Claiborne's absence from the city Graham held a conversation with Morales on the subject, and found him even less amenable than the other. Morales said that the Treaty of 1795 did not justify any foreign commerce whatever on the Mobile, not even on paying the six per cent duty. The question was one for a full treasury council to decide, not for a single subordinate official.[56] In view of the attitude of the American officials toward him, the ungraciousness of Morales is not surprising.

The Spanish officials were neither consistent nor united among themselves, as the Mobile records of the period abundantly attest. James Innerarity, the representative of John Forbes and Company, continued the customary traffic in furs that his firm had always enjoyed, and even employed American vessels for this purpose. Although the Spaniards bought foodstuffs above the line, they would not permit William Kennedy, a physician at Mobile, to send supplies to his brothers on the Tombigbee. As Joseph Kennedy was a noted opponent of the Spaniards, this refusal is not surprising. But the case that caused the most serious dispute was that of the schooner *Mary*. St. Maxent had previously allowed an American brigantine to obtain provisions and water at Mobile, upon paying

[55] Claiborne to Folch, Dec. 7, 1805 (enclosed in Parker, 7312?).

[56] Graham to Morales, Dec. 23, Morales to Graham, Dec. 24, 1805 (Parker, 7317, 7318).

the customary charges. His subordinate, Eslava, decided that this justified him in permitting the skipper of the *Mary* to land part of her cargo at Mobile and sell it, and then proceed up the Tombigbee. Later the vessel conveyed a cargo of lumber from Mobile to Havana. Morales called Folch to account for permitting the trade at all. He cited royal approval of his own course in 1803, when he refused Wilkinson's request to permit general trade on the Mobile. The Americans were not accommodating them, so why should they do more than the treaty prescribed?[57]

Morales was enraged because the Americans had finally expelled him from New Orleans. For months, during the summer and early fall of 1805, the administration came to no decision about a Spanish policy. For a time Jefferson pondered over certain measures to strengthen the weak American border. He wished Congress to authorize land bounties for settlers in the Tombigbee region and other strategic points, in return for partial military service during the first seven years of residence. He considered measures for more effectively organizing the younger militia.[58] But in the end he preferred an indefinite negotiation abroad

[57] Mobile Records, MS., 1805, passim; Parker, 7365; St. Maxent to Folch, Feb. 26, 1806, Legajo 61, Morales to Folch, Mar. 3, 1806, Legajo 185, Morales to Soler, Apr. 30, 1806, Legajo 2330, Papeles de Cuba.

[58] Ford, Jefferson, VIII, 442; Folch to Someruelos, Jan. 31, 1806, Legajo 1559, Papeles de Cuba.

to these and other measures of national preparedness. There was, however, one measure that he and Madison were determined to carry out, and ultimately they persuaded the entire cabinet to sanction it. Casa Yrujo, Casa Calvo, and Morales must be forced to leave the country. As a preliminary step the president rehearsed, in his message of December, 1805, the long catalogue of Spanish aggressions and acts of unfriendliness, to which we have referred. Among other points he severely criticized the commercial exactions at Mobile. Casa Yrujo, who had intimated that he would leave the country when agreeable to himself and his nation, and who wished to make his further stay as disagreeable as possible, readily defended the obnoxious duties. He said that they were moderate. The United States could claim no exemption on the ground that West Florida formed part of the Louisiana Purchase. France had joined Spain in disposing of that pretext.

Governor Folch believed the message to be a characteristic display of American arrogance. Evidently the administration demanded for itself the exclusive right to levy duties and to pay none.[59] His colleagues, Morales and Casa Calvo, were the destined victims of American displeasure. After prolonged controversy and delay, Claiborne, in obedience to instructions from Washington, peremptorily ordered Morales to leave

[59] Annals of Ninth Congress, Second Session, 687–693.

New Orleans. By the end of January, 1806, he did so. With equal difficulty, although in a less disagreeable manner, Claiborne shortly persuaded Casa Calvo to follow.[60]

Folch did not welcome Morales at Pensacola, and consented only with bad grace to recognize his official presence there. He soon found reason to regret the other's interference. Morales regarded the traffic at Mobile as contrary to what he believed to be the settled Spanish policy. When St. Maxent brought a case to his attention, in March, 1806, Morales reiterated the rule that he had laid down three years before. Vessels in the military service of the United States might be permitted to pass Mobile under special permit from the Spanish authorities. But Spanish subjects could not trade with foreigners, except in case of urgent necessity, nor Americans with them.[61] Folch preferred to permit this commerce, upon payment of the six per cent duty, and claimed that he found the practice already established when he assumed control. He intimated that the intendant had then allowed it, in the hope that by thus courting favor with the Ameri-

[60] Claiborne to Madison, Jan. 12, 28, 1806, with enclosures (Parker, 7329–7334, 7340); Morales to Soler, Feb. 28, Mar. 31, 1806, Legajo 267, Folch to Someruelos, Apr. 4, 1806, Legajo 1559, Papeles de Cuba; Cevallos to Erving, June 24, 1806, Spanish Dispatches, MS., X, Bureau of Indexes and Archives; Gayarré, History of Louisiana, IV, 131.

[61] Morales to Soler, Apr. 30, 1806, Legajo 2330, Papeles de Cuba.

cans he might carry on his speculations in New Orleans unchecked. Disappointed in this and enraged at his expulsion, he now demanded a war with the United States, in order to soothe his wounded pride.[62]

Morales would neither accept responsibility for the questionable traffic nor remain silent under Folch's insinuations, but proceeded to lay the blame on Joaquín de Osorno, the former commandant at Mobile, who had permitted some thirty infractions of his orders in the previous eighteen months. The quarreling officials then appealed to their respective superiors.[63] The vessel that had provoked the dispute was forced to return to New Orleans. It was rumored that the Spaniards would also prevent the transit of mails through West Florida. Claiborne interpreted these hostile tokens as retaliatory acts for the expulsion of Morales and Casa Calvo.[64] The people of Washingington County, Mississippi, passed resolutions declaring these restrictions a violation of their treaty rights, and characterized as "an enemy to his country" every one who should sell provisions to Spanish subjects, or transact other business with them. Those who aided agents or vessels of the Spanish king exposed themselves "to all the pains and penalties of

[62] Folch to Someruelos, May 13, 1806, Legajo 185, Papeles de Cuba.

[63] Morales to Folch, May 22, 1806 (Robertson, 5094).

[64] Claiborne to Madison, Mar. 14, 15, 18, 1806 (Parker, 7360–7362).

high treason against the United States." Colonel John Caller immediately ordered the militia to close the river to provision boats. Reports that the regular troops were massing at Fort Stoddert more seriously alarmed St. Maxent at Mobile. His trusty mulatto spy, Regis Duret, shortly assured him that the latter news was false, while Judge Toulmin with some difficulty persuaded Caller to abandon the idea of a secret attack on Mobile.[65]

The summer of 1806 was marked by some shifting of officials in the disturbed area. Lieutenant E. P. Gaines, later dubbed by the Spaniards "the Cock of Stoddert," took command of the American troops at that post. Francisco Collell replaced St. Maxent at Mobile, and during Folch's illness Lieutenant-Colonel Carlos Howard assumed temporary control at Pensacola. Gaines made some pointed inquiries about the transmission of the mails. These inquiries, and the presence of loaded vessels at Mobile, led Morales to believe that the American administration, taking advantage of the French war with Prussia, was deliberately seeking to embroil itself with the Spanish frontier officials. Sufficient time had elapsed since Wilkinson first presented the issue of Mobile commerce

[65] Gazeta de México, XIII, 379; St. Maxent to Folch, Mar. 19, 1806, Legajo 61, same to same, Mar. 29, 1806, Legajo 61, also Legajo 185, Papeles de Cuba; Swaine to Mead, Aug. 15, 1806, Mississippi Territorial Archives, MS., Vol. 6.

to settle it by diplomacy, and the failure to do so indicated premeditated hostility.[66]

Although he still firmly held the opinion that the commerce was contrary to the treaty and to express royal orders, Morales now favored concession. With an empty treasury and uncertain credit he could not even meet the regular requirements of the Indian trade. He longed to rid himself of an office that promised nothing but disgrace, but he must continue in the post where fate had placed him. The only course was to restore the commercial privilege that had prevailed before the preceding March. This would permit the Americans to move their crops and introduce new goods subject to the six per cent duty. If it were not done before the middle of October, he and his colleagues must prepare for hostilities. Made up as the American militia was of ungovernable men, it could readily starve out or overrun the province. The concession would remove any hostile pretext, preserve the national honor, and bring in some greatly needed revenue.

The captain-general eagerly seconded this solution of the difficulty, and advised the governor and the

[66] Gaines to Collell, Aug. 16, 1806, and reply, Aug. 17, Legajo 61, Papeles de Cuba; Morales to Folch, Aug. 20, 1806 (Robertson, 5101); Morales to Howard, Sept. 11, 1806, Legajo 1561; St. Maxent to Howard, Sept. 10, 1806, Legajo 74, Papeles de Cuba.

intendant to confer over the details.[67] Folch's illness prevented the conference, but Morales did not interfere with such concessions as Howard and Collell chose to grant. At the same time the American officials submitted a frank statement of trading conditions on the Mississippi.[68] As a result of this frankness and mutual forbearance the Florida frontier remained quiescent during the crisis that in the early autumn of 1806 threatened the Texas border. It was simply the calm that preceded the storm; and the gathering tempest, commonly called the Burr Conspiracy, was destined to exert an influence on American frontier problems out of all proportion to the real peril involved.

[67] Morales to Collell, Sept. 13, 1806, Howard to Someruelos, Sept. 27, 1806, Legajo 1561, Papeles de Cuba; Someruelos to Morales, Nov. 14, 1806 (Robertson, 5109).

[68] Toulmin to Mead, Oct. 20, 1806, Mississippi Territorial Archives, MS., Vol. 6; St. Maxent to Howard, Oct. 29, 1806; E. P. Gaines to Commander of Mobile, Nov. 5, 1806, Legajo 74, Papeles de Cuba.

CHAPTER VI

The Burr Conspiracy and the Embargo

It is extremely doubtful just what Aaron Burr intended to accomplish by his mysterious conspiracy. Perhaps he planned a more dramatic appeal to western sectionalism than had yet been made. As a confirmed opportunist he certainly would not neglect this sentiment, should it appear wide-spread or influential enough to promise success. It is more likely that Mexico was his objective point, with West Florida, and especially Baton Rouge, as an important way station. His proposed visit to St. Augustine in the summer of 1804; his activity at Washington during the following winter, when he and Wilkinson frequently busied themselves in mapping Spanish territory, including West Florida; the attempts of these confederates and their friends to gain for Burr the governorship of Orleans Territory and "to send to the devil that idiotic boaster W. C. C. Claiborne"; and the warnings of the Spanish minister that Burr was a British spy, planning to explore the Floridas,—all these point to the conclusion that Burr's presence was fraught with danger to the Spaniards, especially in West Florida. Accordingly Casa Calvo and Folch

were warned to watch him closely, and the latter was empowered to arrest him should he give occasion for such a step.[1]

Burr's actions in New Orleans during his brief visit there in June and July, 1805, increased their apprehension. Casa Calvo, to whom Wilkinson commended him, had contemplated using Burr's plan, whatever it was, to advance his favorite project—the exchange of the Floridas for Louisiana and New Orleans. To his mortification Burr avoided his society, but consorted with James Workman and other members of the "Mexican Association." These conspirators planned to capture Mobile and Pensacola as a first step toward the more distant goal. So Burr's presence boded immediate peril. Moreover he was intimate with Daniel Clark, the reputed accomplice of Morales in West Florida speculations, to whom, as Wilkinson intimated in his letter of introduction, Burr probably communicated many "things improper to letter." But despite these well-founded suspicions, Burr afforded them no

[1] A. Burr to Governor Enrique White, Sept. 22, 1804, East Florida Papers, MS., Library of Congress; Report of the Committee appointed to inquire into the conduct of General Wilkinson (Ezekiel Bacon, Chairman), 203; Wilkinson to Casa Calvo, Mar. 18, June 2, 1805, enclosed in Casa Calvo to Cevallos, Aug. 22, 1805; Casa Yrujo to Casa Calvo, May 23, 1805, Audiencia de Santo Domingo, MS., 87–1–10, Archivo General de Indias, Seville.

occasion to apprehend him as he passed through West Florida on his devious way northward.[2]

Before Burr returned to Washington, his agent, Jonathan Dayton, asked the English minister for some British vessels to assist a projected revolt among the people of West Florida.[3] Casa Yrujo grew still more suspicious when he noted Burr's intimacy with Dayton, another person of broken fortune. Dayton told him that Burr planned to seize the Floridas, revolutionize the western States, and possibly invade Mexico. The Spaniard did not regard the Mexican project as serious, and felt that Dayton's whole purpose was to extort money from him and the English minister. Wilkinson had evidently taught Dayton how easy this was, for that adventurer, like the general, offered to reveal secret views of the president. Casa Yrujo scaled Dayton's reward to one fourth the original demand, but his superiors refused to consider it even at this figure.[4]

In May, 1806, Casa Yrujo reported that Burr's plan was suspended to await the outcome of the Florida negotiation. If that region passed under the control

[2] Casa Calvo to Cevallos, Aug. 22, 1805, Audiencia of Santo Domingo, MS., 87–1–10, A. G. I., Seville; Documentos Historicos Mexicanos, I, 1–100, passim (Mexico 1910); Wilkinson, Memoirs, II, Appendix, LXXI.

[3] Merry to Lord Mulgrave, Nov. 25, 1805, MS., British Foreign Office, America, II, 5, Vol. 45.

[4] Casa Yrujo to Cevallos, Jan. 1, Feb. 13, 1806, Legajo 5546, Estado, A. H. N., Madrid.

of the United States he would include it in his plan for western separation. Thus the territory would fall into his possession without cost or without stirring up trouble with Spain.[5] In October, Casa Yrujo advised the West Florida governor that Burr was about to initiate his projected western revolt and that he might attempt to seize the Floridas in order to make his enterprise more popular; so he warned the other to keep a sharp lookout for his jurisdiction. When Burr started a second time down the Ohio, Casa Yrujo still counseled vigilance. He thought the adventurer had possibly abandoned his plan to invade Mexico, for Burr had requested him to secure the removal of commercial restrictions on the Mobile and to detain the mails when the insurrection broke out. Instead, the Spanish minister warned Folch to be doubly watchful.[6]

In August and September of 1806 the Spaniards were more interested in the movements of Wilkinson than in those of Burr. By this time the American regulars and militia, already under arms to repel reported Spanish aggressions, were preparing to act against Baton Rouge as well as Texas. At the former post Grand Pré determined to put up a good defense, although he had only sixty men, one half of them in-

[5] Same to same, May 14, 1806 (Robertson, 5093).

[6] Casa Yrujo to Folch, Oct. 30, 1806, Legajo 104, Casa Yrujo to Someruelos, Dec. 10, 1806, Legajo 1708, Papeles de Cuba.

valided, and an uncertain militia largely composed of Americans.[7] Wilkinson himself, as he descended the river, was uncertain whether to attack West Florida or Texas. Pensacola in his estimation could defend itself, and no more. Mobile was menaced by American regulars and militia on the Tombigbee. The ruined fort at Baton Rouge was a mere holding point surrounded by a hostile population ready to overthrow it themselves or to do so in conjunction with the American garrison at Point Coupee. A campaign against the Floridas might easily be combined with his first forward movement "toward the Grand river."[8]

Some maneuvres among the American forces seemed to make this certain. The alarmed Spaniards called a council of war at Pensacola. Those present agreed that it would be useless to reinforce Baton Rouge should the Americans attack that post, for both time and transports were lacking. Under the circumstances Grand Pré should yield the post, after rendering the artillery useless. Early in November Howard, the temporary commander at Pensacola, learned that Wilkinson had already begun hostilities, and that in consequence the militia on the Tombigbee had been summoned to rally at Wakefield on the last Saturday

[7] Acta de Junta de Guerra, Pensacola, Sept. 16, 1806, Legajo 74, Papeles de Cuba.

[8] Wilkinson, Memoirs, II, Appendix LX.

in October. As he obtained this information from an American, "drunk as is usually the case with all of that nation who come daily to this plaza," it naturally aroused some doubt in his mind. St. Maxent, on his advice, sent his trusty agent Regis Duret to investigate, but he observed no unusual change in the garrison at Fort Stoddert.[9] Wilkinson, as the Spaniards soon learned, had no intention whatever of stirring up a border war. Having formed the Neutral Ground Agreement, he temporarily left the people on the Tombigbee to shift for themselves, while he prepared to open the most reckless and far-reaching intrigue of his whole career.[10]

Early in the autumn of 1806 Folch was informed from New Orleans that in the following spring ten thousand Kentuckians and three thousand regulars were to descend the Mississippi for a projected expedition against Mexico. They were to be joined by eight or ten thousand Louisiana militia and five thousand negro slaves, who were to be liberated for this purpose. A portion of this motley host was to be detached to hold New Orleans, Baton Rouge, and Pensacola, while the main body invaded Mexico by way of Natchitoches and the mouth of the Rio Grande.

[9] Howard to Someruelos, Nov. 2, 1806, Legajo 1574; St. Maxent to Howard, Nov. 10, 1806, Legajo 74, Papeles de Cuba.

[10] McCaleb, The Aaron Burr Conspiracy, Ch. V, VI, VIII, gives the best summary of these events.

This information was too exaggerated to be true; but when Folch later received a newspaper clipping describing Burr's movements along the Ohio, he felt it worth while to pay more attention to the project. The later item reached him through Wilkinson's confidant in New Orleans. Perhaps the other came from the same source. Both reports formed part of the general's plan to betray Burr.[11]

In this connection Wilkinson also determined to blackmail the Mexican viceroy. To accomplish this he must create the impression that Burr's project was most serious and its frustration most desirable. To this end Wilkinson evidently wished to work upon the viceroy through Governor Folch. Accordingly he advised the latter that a confidential communication was on its way, at the same time assuring him "on

[11] A French copy of this original project, signed by Folch and dated at New Orleans, Oct. 1, 1806, is in Marina, 1805–1808, MS., (Archivo General de Mexico) (cf. Bolton, Guide to Materials . . . in the Principal Archives of Mexico, 183). Another copy in Spanish is in Legajo 1574, Papeles de Cuba. Wilkinson is probably the source of the project, by which he evidently wished to arouse Spanish fears. He may even then have intended to betray Burr, seeing that the latter had failed to obtain money from the French or English minister, and convert the intricate plot into a mercenary intrigue, from which he alone should profit. The second copy of the project, with the newspaper clipping, reached Folch in December through Wilkinson's confidant, Louis De Clouet, after the general had come to New Orleans from the Texas frontier. He had then dispatched his messenger, Burling, to the viceroy.

his honor as a soldier" that such measures as he was taking were for the interest of Spain as well as of the United States. Then his messenger followed with a detailed account of Burr's proposed plan against Louisiana and Mexico.[12] Wilkinson employed Spaniards to aid him, but they refused to take any definite measures against the predicted danger without word from Folch. Leonard had also warned Morales about the Mexican Association. Friar Antonio Sedella and Richard R. Keene, residents of New Orleans, gave additional information. They tried to implicate the American government in a wide-spread plot in which Daniel Clark, Wilkinson, and Burr played important but uncertain parts. Such rumors served only to confuse the situation. Each interested reporter wished to be the first to give information to the higher authorities and was naturally inclined to exaggerate whatever he learned.[13]

Folch, already recovered from the illness of the preceding summer, was at Mobile. After receiving Wilkinson's letter, he determined to visit Baton Rouge. Wilkinson was pleased at this evidence of faith in him and his government, and as further testimony sent the Spaniard Jefferson's proclamation against Burr,

[12] Wilkinson to Folch, Dec. 6, 1806, Legajo 5546, Estado, A. H. N., Madrid; De Clouet to Folch, Dec. 12, 1806, Legajo 61, Papeles de Cuba.

[13] Morales to Soler, reservado, May 23, 1806, same to same, Nov. 8, 1806, Legajo 267, Papeles de Cuba.

which he felt sure would convince the most incredulous. Burr was then approaching, so Wilkinson advised Folch to hasten his coming and asked him to let American troops pass Mobile on their way to New Orleans. As this transfer was to protect Mexico as well as Louisiana and the western States against a common enemy (for so Wilkinson chose to regard his former confrère), and as his officers promised to keep the troops in order and in other ways preserve the *status quo* which the president desired to maintain, he felt that there could be no objection to his request.[14]

By this time Folch was persuaded that Burr would not attempt to attack Mobile or Pensacola by way of Muscle Shoals. He therefore complied with the other's advice to make his headquarters at Baton Rouge. Before moving thither he almost wrecked their proposed joint action by refusing to let the American troops pass Mobile. Lieutenant E. P. Gaines and Captain Thomas Swaine, commanding the detachment destined for New Orleans, vainly sought this privilege, but Folch was unwilling to grant it without the previous consent of Someruelos. Time was pressing, so Swaine loaded his troops on a schooner and dropped down the river toward Mobile. When the amazed Folch ordered two vessels to intercept him, Swaine discreetly took the eastern fork of the river, and

[14] Folch to Someruelos, Jan. 6, 1807, Legajo 5546, Estado, A. H. N., Madrid.

after safely reaching the bay sent an officer to inform the Spaniard of what he had done. The other affected anger, but we may well believe that this was merely a pose to avoid any disagreeable consequences with his superiors. He told the officer at Mobile to let the incident make no change in his relations with the Americans. Later the captain-general permitted American troops to pass Mobile in small parties, tarrying there as briefly as possible.[15]

Although Wilkinson had aroused Folch and started him westward toward Baton Rouge, he could not persuade Grand Pré to pay any attention directly to his many warnings. In January Burr reached Natchez. Wilkinson advised Folch and Morales of the fact, and suggested that they should concentrate forces at Baton Rouge, secure the artillery there, and check any plan to attack Mobile or Pensacola. At the same time he informed them that good faith and national interests authorized him to make common cause with them in defending their respective posts. He was ready, therefore, to consider any plan that promised substantial agreement. Apparently the administration did not instruct him to take this specific step. Very likely he felt that he could control the situation to better advantage by securing the chance to direct the Spanish forces as well as his own. At any rate he would be able to disarm

[15] Folch to Someruelos, reservado, Dec. 13, 1806, Legajo 1576, Papeles de Cuba.

possible criticism of his own course by showing that the neighboring Spaniards were pursuing a similar one. One is inclined to suspect him of thinking that if he could induce Folch to make common cause with him and then incidentally pose as the saviour of West Florida as well as Louisiana and Texas, he could better persuade the viceroy of New Spain to pay the money that he had demanded. Wilkinson also desired to hold a personal interview with Folch in order to secure from him a statement that he had never been a Spanish pensioner. Influenced by his proposals for joint action, Governor Folch on his journey westward planned to visit New Orleans, confer with Wilkinson and Claiborne on their common peril, and then proceed to Baton Rouge by way of the Mississippi.[16]

Meanwhile the exaggerated reports of Burr's advance had so excited the volatile population of the Creole capital that Governor Claiborne, ignorant of the general's necessity, refused to allow Folch and his officials to enter the city; and Wilkinson was constrained to support him. Captain Daniel Hughes, Wilkinson's aide, urged Folch to disregard the apparent discourtesy of their refusal and come on anyhow, promising that Claiborne would not oppose such a move. Hughes himself says that he tried to in-

[16] Wilkinson to Jefferson, Dec. 18, 1806, Bacon's Report, 429; Wilkinson to Folch and Morales, Jan. 5, 1807, Legajos 1574 and 267, Papeles de Cuba; Clark, Proofs, 64–67. Cf. also my article in American Historical Review, XIX, 804 ff.

duce Folch to meet Claiborne and Wilkinson at the St. Jean Bridge, on the canal outside the city limits. The incensed Spaniard did not believe it in accordance with his dignity as "the Governor of a Province and an officer of His Catholic Majesty" to hold an interview within sight of New Orleans while he was denied permission to enter it, and proceeded immediately to Baton Rouge. Although Folch thus refused to meet him, Wilkinson, through mutual friends, succeeded in obtaining from him the statement explaining his former relations with the Spaniards. While not wholly satisfactory, he used it in a defense that he published later in the year.[17]

Even the prospect of common action with the Americans had not led Folch and Morales to neglect ordinary precautions. Morales opened the year 1807 by appealing to the citizens of Pensacola for funds to meet the projected attack of the Kentuckians.[18] Folch was inclined to find encouragement in the reputed operations of these insurgents. He distrusted Burr and believed the United States unfriendly, but such a project as was under way betokened the ultimate separation of the West from the Union. In this way only

[17] American Historical Review, X, 832 ff.; Folch to Someruelos, reservado, Feb. 3, 1807, Legajo 1574, Papeles de Cuba; Report of Daniel Hughes to (Wilkinson), Jan. —, 1807, Letters Received, MS., War Department.

[18] Edict of Morales, Jan. 1, 1807, Legajo 185, Papeles de Cuba; cf. also Robertson, 5121, 5128, 5129.

could the marvelous progress of the American States be checked. Otherwise they would soon overthrow all European establishments on this continent. For this reason he was prepared to support the insurgents, if they asked for aid, and advised Grand Pré to observe a neutral attitude between them and the United States, but to be prepared to repel an attack from either. His most pressing problem, however, was the financial one, and he must look to Mexico, the objective point of the invasion, for its solution.

Other wild reports of the number and purpose of these insurgents had come to Folch while on his way westward. After seizing the various posts in Louisiana and the Floridas and making sure of the artillery and munitions in them, they were to undertake an expedition against Mexico. When that region proclaimed its independence, it would join the western States and form a new power. The thirteen thousand men already enlisted for this campaign would shortly increase to thirty thousand. Ten thousand of them were already rallying at the mouth of the Cumberland. On reaching Baton Rouge Folch immediately planned to get the artillery out of their reach. All pieces not absolutely necessary should be sent to Vera Cruz. The forts were to be repaired and placed in the best possible state of defense. The one at Baton Rouge was so ruined as to be indefensible. The Spaniards must have a new one there if they

wished to preserve the Floridas and cause the Americans to respect their rights on the Mississippi.

Wilkinson reported that Grand Pré disregarded his warnings against Burr. Folch found his subordinate's course unaccountable. Grand Pré preserved a mysterious silence in the midst of disturbing rumors, and neglected to carry out Folch's suggestions for strengthening that part of the province. The latter's own activity in moving westward and in embodying the militia there disconcerted the insurgents and caused them to abandon the attack on Baton Rouge that the Spaniards momentarily expected. Folch, therefore, while awaiting a remittance from Mexico, had merely maintained a policy of watchful waiting, and put in force measures for the better organization of the district. Nevertheless, he did not cease to ponder over the attitude of the American government, and he even imagined that the British government might also be involved in the puzzling conspiracy.[19]

The suspicion that existed between himself and Grand Pré found its counterpart above the line. On the day that Wilkinson and Claiborne refused Folch permission to pass through New Orleans, they advised Cowles Meade, acting governor of Mississippi, "to

[19] Folch to Someruelos, Jan. 8, 1807, Legajo 5546, Estado, A. H. N.; same to same, Feb. 10, July 28, 1807, Legajo 1562, Papeles de Cuba; Folch to Iturrigaray, Feb. 15, 1807, Marina, 1805–1808, A. G., Mexico; Morales to Soler, Jan. 31, 1807, Legajo 267, Papeles de Cuba.

keep a strict eye upon the Spaniards." Folch was reported to be taking four hundred men with him to Baton Rouge. While they desired his cooperation against Burr, the relations between the United States and Spain were so uncertain that they must exercise extreme vigilance in regard to their neighbors. Yet Meade was more inclined to be suspicious of Wilkinson than of the Spaniards, and warned Claiborne to watch out for him and for Daniel Clark as well.[20] Late in February, Wilkinson reported to the secretary of war a rumor that Casa Calvo had returned to Havana and was to bring reinforcements to Baton Rouge. The American general was going to divide his forces and place enough men in Fort Adams to capture Baton Rouge, if hostilities should break out.[21] We may interpret this and his other report to the secretary as attempts to conceal his real relations with Folch.

Wilkinson's hatred of Burr had by this time become extreme, and he determined to get the other into his power. For this purpose he commissioned one of his aids, Captain Moses Hooke, to go to Mississippi Territory, seize Burr at the first opportunity, and bring him under military guard to New Orleans. In com-

[20] Bacon's Report, 429, 430; Mead to Claiborne, Nov. 23, 1806; Claiborne and Wilkinson to Mead, Jan. 21, 1807; Rowland, Third Annual Report of the Department of Archives and History of the State of Mississippi, 146, 162.

[21] Wilkinson to Dearborn, Feb. 20, 1807, Letters Received, MS., War Department.

pliance with this commission Captain Hooke repaired to Natchez, where he watched developments closely, yet did not feel justified in attempting to kidnap Burr. The civil authorities, represented by Judges Rodney and Bruin, subjected Burr to a strict inquiry. In addition Cowles Meade had a reserve warrant issued by Toulmin, to be used in case the other judges released Burr. Hooke, therefore, was unwilling to use violent measures, especially as the naval officers refused their cooperation.[22] The scheme on the whole was a desperate one and shows the length to which Wilkinson would go in feeding his enmity against his former friend. Burr evidently had some inkling of Wilkinson's attitude, and this may have led him to attempt to escape into the Floridas.

It is also possible, as Judge Toulmin afterwards surmised,[23] that Burr still hoped to profit by some desperate stroke near Mobile. A position near that port would enable him to open relations with its officials, if that were his plan, as many suspected; or with his slender band as a nucleus, he might organize the people of the Tombigbee settlements for their long threatened attack upon their commercial oppressors. In either case he would have Mobile for his base of opera-

[22] Hooke to Wilkinson, Feb. 20, 1807, Letters Received, MS., War Department; cf. also the statement dated Feb. 16, 1807, of the officers accompanying Hooke in Wilkinson Papers, III, MS., Chicago Historical Society.

[23] Toulmin to Madison, Apr. 14, 1807, Madison Papers, MS.

tions, and this would be nearly as favorable as the one he may have planned to establish at Baton Rouge.

Claiborne was at first inclined to believe that the Spaniards would gladly receive Burr and assist him to dismember the American union. But Casa Yrujo's warnings against him had already aroused the frontier commanders.[24] Their attitude confirms the impression that Burr had no agreement with them, but desired to take advantage of Folch's absence in the West to strike at Mobile or Pensacola. Wilkinson professed to fear that Burr had a number of restless confederates in that locality.[25] The fact that John Adair, the Kentucky senator, was journeying to New Orleans by way of the Tombigbee was not without its significance.[26] It was with a feeling of relief, therefore, that both the Spanish and the American authorities learned of Burr's arrest near Wakefield. Morales believed that this dissipated all projects for invasion and rendered further precautions useless. Folch was inclined to adopt the contrary reasoning. Both continued to distrust the American government.

[24] Claiborne to Madison, Feb. 20, 1807, Papers in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library, Department of State.

[25] Wilkinson to Jefferson, Feb. 17, 1807, ibid.; Toulmin to Madison, Apr. 14, 1807, Madison Papers, MS., Library of Congress.

[26] Morales to Soler, reservado No. 70, Feb. 28, No. 7, Legajo 267; Folch to Someruelos, July 28, 1807, Legajo 1562, Papeles de Cuba.

Wilkinson no longer harbored any fears of the "Dons," if he ever had experienced any except in regard to their strong box, and assured Jefferson that he would keep a vigilant eye on them.[27] He had a very personal reason to inspire his watchful zeal.

While Folch was preparing to defend Baton Rouge, he adopted some financial measures that later exposed him to severe criticism. He arranged for a loan of twenty thousand pesos, through Fortier and Son, a New Orleans firm of "tested integrity and well known fidelity." He could do so only by securing permission for them to introduce at Vera Cruz an equal amount of goods, free of duty. He also indorsed the petition of Louis De Clouet to transfer settlers from West Florida to some point on the Mexican coast, preferably New Santander. These people, so the petition ran, feared the possible transfer of West Florida to the Americans and were weary of the constant menace of invasion. The viceroy and his advisers, however, could see nothing in these two applications but an attempt to establish clandestine trade between New Orleans and Vera Cruz. The American vessel bearing Folch's agent and cargo was ordered to leave Vera Cruz without unloading, and Folch was instructed to send no more on such an errand.[28]

[27] Wilkinson to Jefferson, Mar. 3, 1807, Papers in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library.

[28] Folch to Iturrigaray, Feb. 15, 1807, Marina, 1805–1808, A. G., Mexico; De Clouet to Folch, Feb. 20, May 19, 1807;

With the dispersion of Burr's followers, Folch began to transport his extra troops to Mobile, for he could not provision them at Baton Rouge. Wilkinson also desired to return a portion of his own force to Fort Stoddert. It was difficult to do so overland, but transfer by the Mobile was problematical, in view of Swaine's insulting passage in December. He and Claiborne had refused Folch permission to enter New Orleans in January, and they ought not to expect a privilege they were unwilling to grant. Wilkinson proposed to attempt the passage by water, instructing the officer in charge to pass Mobile at night. If stopped by the Spaniards, he should return for further orders. Some inkling of this reached Folch, who ordered St. Maxent to resist any such attempt. That officer stationed a vessel so as to guard against another violation of Spanish territory.[29] Wilkinson had no desire to provoke Folch further, and informed the secretary of war that he would suspend action for the present. He did not believe that Folch's refusal justified an appeal to arms, but even in such a contingency he was confident of his ability to reduce Mobile and Pensacola in three weeks. Such an outcome would be

Folch to Iturrigaray, Mar. 20, 1807; De Clouet to Iturrigaray, Apr. 16, 1807, Report of Fiscal, May 11, July 16, 1807, Legajo 185, Papeles de Cuba.

[29] St. Maxent to Folch, Mar. 26, Apr. 7, Legajo 62; Folch to St. Maxent, Apr. 4, 1807, Legajo 55, Papeles de Cuba; cf. also Robertson, 5141, 5144, 5145, 5148.

highly honorable to the national arms and a personal triumph for himself; but he hesitated to press the controversy to the breaking point.[30] His forbearance would be more convincing were he not about to increase his own obligations to Folch.

Governor Claiborne, distrusting Wilkinson, but ignorant of his real relations with the Spaniard, must perforce second his action. He faithfully detailed to Madison Folch's continued unfriendliness, further marked by the detention at Mobile of the sloop *Castor* loaded with military stores as well as private goods. Wilkinson had already reported these conditions, so Claiborne saw no reason to interfere.[31] He too was in no position to offend Folch. Wilkinson's arbitrary course at New Orleans, in which he had acquiesced, aroused serious opposition in the territorial legislature. To neutralize this and to prevent that body from adopting a protest, Claiborne and Wilkinson invited Folch to visit New Orleans on his return to Pensacola. He did so, late in April, and by his successful manipulation conclusively showed that, after four years of American occupation, his influence in the provincial capital was still more potent than that

[30] Wilkinson to Dearborn, Mar. 23, 1807, Letters Received, MS., War Department.

[31] Claiborne to Madison, Apr. 21, 1807 (Parker, 7459); Claiborne to Madison, May 21, 1807, Papers in Relations to Burr's Conspiracy, MS., Bureau of Rolls and Library.

of its chief executive or its self-constituted defender.[32] We may well believe that he did not render this service to heap coals of fire on their heads. The safety of his province, as he told his superior, not to mention his own future status, was dependent on his having friends on both sides of the border. Whatever his motive, his conduct contrasts favorably with that of his opponents.

Among the suspected accomplices involved in Burr's trial, if not in his chimerical plan, were the American senators John Adair of Kentucky and John Smith of Ohio. The former journeyed to New Orleans, where Wilkinson dramatically apprehended him, by way of the Tombigbee, and was supposed to have imparted Burr's schemes to some of the leaders of that region. At least the adherents of the administration and the Spaniards as well reported this as his probable purpose.[33] John Smith was looking after his land interests in West Florida during the summer following Burr's arrest. Learning that he was implicated in the conspiracy, he offered to surrender himself to Governor Williams, rather than to Claiborne, who had threatened to send him north in chains. Williams furnished him with a small guard, and graciously per-

[32] American Historical Review, X, 837–840.

[33] McCaleb, The Aaron Burr Conspiracy, *222*, *223*; The Quarterly Publication of the Historical and Philosophical Society of Ohio, IV, 125. Also Adair to Madison, Jan. 8, 1809, Madison Papers, MS.

mitted him to journey to Richmond by way of Cincinnati, and in a state compatible with his official position and the public interests.[34] Although as in the case of the chief conspirator the department of justice failed to fix the charges against Adair and Smith, they both resigned from Congress. Adair, as we shall see, sought to reinstate himself with Madison, in connection with subsequent developments in West Florida. Smith later fixed his residence at Pensacola, a victim, as he professed, of Jefferson's persecution.[35]

The Burr episode greatly intensified the problems that worried Spanish officials in the Floridas. They continued to hear of projects similar to his, while the original conspirator vainly sought assistance in Europe. Their exposed position gave them the more concern. Their restless neighbors, whom a weak federal government could not restrain, flattered themselves that it would be easy to invade these provinces. British naval activity and the necessities of the home government lessened their resources for defense and rendered doubly necessary the presence of skilled officials, such as Folch and Casa Calvo. Their anxiety, however, was echoed across the line, where some high in office still feared the spectre of disunion. Casual mi-

[34] Rowland, Third Annual Report, 84–89; Annals of Tenth Congress, First Session, I, 55–62.

[35] Cf. p. 640; also Smith to Pickering, June 6, 1812, Historical Index to the Pickering Papers, 48, Collections of the Massachusetts Historical Society, 6th series, Vol. VIII.

grations suggested a Spanish plan to introduce soldiers disguised as settlers into Orleans Territory. The Spaniards also provoked the usual charge that they were tampering with the Indians and making them promises that could not be fulfilled.[36] Folch, it must be confessed, was all too ready to appeal to sectionalism or to savagery, but he was too shrewd to do so without some prospect of success.

Wilkinson's departure from New Orleans left Claiborne exposed to the full attack of Burr's adherents—a danger that, as usual, he was not inclined to minimize. The discontent reported to exist in West Florida afforded him a new cause for alarm. The people there seemed inclined to seek a British alliance, if the United States failed to protect them. He wrote Wilkinson—at least we may ascribe to him a letter of this period—"to feel Jefferson's pulse" in this matter.[37] The executive was already excited over the *Chesapeake* outrage, so the interview, if it ever occurred, was unproductive. Early in 1808 Folch's superiors asked him to investigate the rumor about possible British interference. He did so but was unable to substantiate it.

[36] Silas Dinsmoor to Williams, May 14, 1807, Mississippi Territorial Archives, MS., Vol. 7; Folch to Someruelos, Aug. 14, 1807, Legajo 1563, Papeles de Cuba; Casa Yrujo to Cevallos, Sept. 9, 1807, Legajo 5546, Estado, A. H. N., Madrid.

[37] McCaleb, Aaron Burr Conspiracy, 307; American Historical Review, XVII, 295.

However, Folch found evidence that Burr still had many adherents there. He believed that there was some sort of connection between Burr and Miranda, and that both were seeking British assistance in their schemes to revolutionize the Spanish colonies. If the Federalist party should succeed in defeating Madison for the presidency, as was likely to happen, he expected the United States to make a formal alliance with Great Britain against France and Spain. In that event he planned to stir up the Indians and organize an insurrection in Louisiana. He asked Someruelos to advise him where to send his troops in case the struggle went against him. Folch also had to explain his recent interviews in New Orleans with the French refugee, General Moreau, whose presence on the border seemed to indicate a possible connection with Burr, and whose intimacy with Folch aroused Claiborne's suspicions.[38]

To the West Florida officials living in this atmosphere of intrigue and suspicion the intendant at Havana submitted a tentative proposal to cut down their already too slender garrisons. Morales preferred to sell the province to the Americans. The expense of maintaining a hopeless front against these restless neighbors, with no local revenues, with uncertain subsidies from Mexico, with fortifications in ruins and

[38] Folch to Someruelos, May 23, 1808, same to same, Aug. 13, 1808, Legajo 1564, Papeles de Cuba.

with no possibility of increasing their defenders, seemed to him the determining factor. Pensacola and Mobile could not support their combined population of about fifteen hundred, including soldiery. Baton Rouge contained four or five thousand people, mostly of Anglo-American extraction, scattered through the straggling parishes. More productive than the other two centers, it was so enclosed by neighboring American territory as to be defenseless. If his superiors wished to dispose of these three jurisdictions in West Florida they possibly might take advantage of the American desire to round out their dominions, and by adding East Florida, gain the territory west of the Mississippi. This would keep their undesirable neighbors far from New Spain. If, however, the Spanish authorities preferred to keep the province and cut down its garrisons, Morales suggested one company each for Baton Rouge, Mobile, and Pensacola, and the abandonment of the general settlement at the last named place. They should provide some artillerists, and if necessary some subalterns for drilling the militia, the proper number of staff officers, and the necessary priests, cutting off useless offices and reducing salaries to the bare cost of living. They could dispense with war vessels and new fortifications, but must continue the customary Indian subsidies. But even with this retrenchment, the province would cost more than it

was worth, and local influences might oppose the suggested reductions.[39]

Morales did not need to go very far to discover opposition. Folch did not believe in practicing economy with the eyes shut, especially in view of the "republican insolence of the power that surrounded" the miserable province that he and Morales administered. His irritation was increased by his absolute penury, which contrasted so clearly with the resources of his opponents and caused galling references to Spain's supposed decadence. A timely subsidy of two hundred thousand dollars relieved the situation only temporarily. It was difficult to conceal their condition from ambitious neighbors, who were only too ready to invade their dominions or stir up insurrection therein. Previous to the Treaty of 1795, Georgia was their nearest neighbor, and its people gave them little concern. But as a result of the treaty the Americans approached within twenty-five leagues of New Orleans, and were only half as far away from Mobile and Pensacola. By the cession of Louisiana the Floridas were thrust into their territory. The earlier treaty and the later cession marked the advance of a decade—an advance that should have occupied centuries. With appetite whetted rather than appeased by these successes, the Americans now openly boasted that if Spain did not cede the Floridas by treaty they would

[39] Morales to Rombaud, June 1, 1807 (Robertson, 5149).

take them by force. The recent attempt of Burr, following the lines he had predicted three years before, demonstrated that the Floridas could not long continue under the present régime.[40]

Folch's province and the neighboring East Florida formed the most difficult posts in the Spanish colonies. The existing war with England cut off supplies from Havana and in many cases prevented Folch from receiving orders from the captain-general, or from carrying them out after they reached him. Under such circumstances connection with Mexico was easier and more certain than with Cuba. If the United States should attempt hostilities, it would be easy to combine forces with the internal provinces against Louisiana, whose people were not greatly attached to the American government. To facilitate such operations the two Floridas should be combined under a captain-general. At best an officer of that rank in Havana knew less of conditions in the provinces than the immediate commandants. Yet the peril and expense that the latter faced made frequent transfers to less exposed commands necessary. The only remedy was to create the more honorable and better paid position on the exposed frontier. Its incumbent

[40] Report of Junta de Guerra, June 18, 1807, Folch to Someruelos, June 23, 1807; Folch to the Prince of the Peace, reservado, Aug. 5, 1807, Legajo 185, Morales to Soler, Feb. 29, 1808, Legajo 2330; Folch to Someruelos, Aug. 20, 1808. Legajo 1565, Papeles de Cuba. Cf. note 16, p. 198.

should know his neighbors, their maxims and policy, and for this reason should speak both French and English. Folch did not hesitate to suggest that his long service in the region entitled him to favorable consideration, if the government contemplated the change.[41]

In the meantime the commercial question did not become less troublesome. In the spring of 1807 the American Congress passed an act subjecting all the commerce on the Ohio and the Mississippi to the jurisdiction of the custom house at New Orleans. Warned by the Mobile Act, Casa Yrujo searched this new act carefully for any phrases capable of double meaning. Despite later assurance that it was not designed to advance the administration's territorial pretensions, he was directed to show that it could not in any way apply to West Florida.[42] At the same time Folch and Claiborne "ventilated" another phase of this problem. The Spaniard permitted the Americans to land some military stores at Mobile and later to send them to their destination on the Tombigbee. In turn Folch asked if he might send some arms to Baton Rouge by way of the Mississippi. In granting this Claiborne used the expression "mutual navigation." The other protested that there was no mutual right

[41] (Folch) to the Prince of the Peace, Aug. 8, 1807 (Robertson, 5154).

[42] Casa Yrujo to Cevallos, Mar., Apr. 1807, passim, Legajo 5548, Estado, A. H. N.

involved. Spain secured the privilege of navigating the Mississippi by definite treaty, but there was no such action in regard to the Mobile. On occasion he had tolerated commerce there, but had withdrawn the privilege when the United States began to restrict Spain's right on the Mississippi. Claiborne accepted the favor the other extended, without continuing the discussion. Possibly he found Folch more accommodating because J. P. Kennedy and his friends were sending petitions to the president on the subject of Mobile commerce and threatening to take matters in their own hands if nothing was done to favor them.[43]

In renewing the discussion of this problem with his superiors, in June, 1808, Folch showed that he was ready to concede the free navigation of the Mobile to the Americans. The situation was similar to that of house tenants using a common staircase. The dweller on any particular floor had the right to go in and out. Under this concept, fortified by Vattel, he thought that the navigation of the Mobile should be common to Spain and the United States. The only drawback to Spain would be the loss of the six per cent duty, which during 1807 amounted to some 6264 pesos.

[43] St. Maxent to Folch, May 27, 1807, Folch to St. Maxent, June 6, 1807, Legajo 1574, Papeles de Cuba; Folch to Claiborne, June 15, 1807 (Parker, 7462, 7475); Folch to Claiborne, Oct. 14, 1807, Legajo 1565, Papeles de Cuba; Toulmin to Williams, Sept. 1, 1807, Mississippi Territorial Archives, MS., Vol. 7.

This was a negligible sum in view of the damages that a denial of the commerce might cause.

Folch believed that in case of war Spain was likely to lose the Floridas; hence his willingness to concede the long contested privilege. At the same time the concession would afford additional proof of Spain's justice and good faith. In contrast he dwelt on the inconsistency of the American government, that "sublime composition of egoism and machiavellism," which alleged reasons based on Vattel for navigating the Mobile, and then quoted the same authority to deny the Spaniards the use of the Mississippi. Jefferson, prompt to take advantage of the detention of some American vessels at Mobile, had charged Spain with unfriendliness. This was in keeping with his usual artifice. As for himself, he favored placing both Baton Rouge and the Tombigbee settlements on the same basis. The United States might derive the greater benefit from this arrangement, but its recent policy in forbidding the introduction of slaves from abroad would probably afford Mobile and Baton Rouge a chance to profit through clandestine trade.[44]

There were rumors elsewhere to this effect, but it was not the prospect of irregular gains from this source that wholly moved Folch to concession. The American government was now attempting to enforce its long threatened embargo. This promised new difficulties to Spanish frontier officials, for the people of

[44] Folch to Cevallos, June 1, 1808 (Robertson, 5157).

West Florida largely obtained their food supply from American territory. On the other hand, if the Americans failed to include the province in their commercial prohibition, it would suggest that they already regarded it as their own. Either dilemma was unacceptable enough to the Spaniards.

Folch was in New Orleans when, in January, 1808, the embargo went into effect at that port. In the course of the following month he asked Claiborne about possible exceptions to it. He wanted to purchase two vessels in New Orleans, in order to convey artillery and ammunition from Baton Rouge to Pensacola. He wished to know if the armed Spanish vessels on the lakes might, as heretofore, obtain provisions from New Orleans. He also inquired if all West Florida ports were considered as foreign; and if so, if Spanish vessels might ascend the Mississippi to Baton Rouge and there obtain provisions for Mobile and Pensacola. Claiborne answered that he could not suspend any provisions of the embargo until he learned the president's decision upon Folch's questions. In transmitting these questions he advised Madison that if the Spanish vessels were given an uninterrupted passage up the Mississippi, or if the embargo was not in force against West Florida, then Baton Rouge, Mobile, and Pensacola would become places of deposit for western produce.[45]

[45] Folch to Claiborne, Feb. 11, 1808, Legajo 185, Papeles de

Folch was an honored guest at the banquet in celebration of Washington's birthday. He took Claiborne home in his carriage, and finding him inclined to talk, elicited some further evidence of American unfriendliness. Claiborne confessed that he was ordered to station gunboats on Lake Pontchartrain so as to cut off all communication with West Florida and to blockade Bayou Manchac. His latest instructions were, so Folch reported, "that the rigor of the law which the embargo imposes should be observed with all severity against our neighbors and . . . upon no pretext should you have any compliance with them." In Folch's estimation, this showed that the American government designed to use the embargo to starve the Spaniards out of West Florida.[46]

Valentín de Foronda, whom Casa Yrujo had left behind in Philadelphia as chargé d'affaires, found in the embargo another cause for complaint. Senator Campbell, in a bill to amend the Mobile Act, seemed to regard that town as an American port. Foronda asked the president to explain the ambiguous phrase. His question was turned over to Gallatin, who stated that the bill simply referred to goods passing from

Cuba (cf. Parker, 7485–7487). Folch was then using his best efforts through Vidal, the vice-consul at New Orleans, to get flour despite the American prohibition. Cf. Morales to Someruelos, Feb. 15, 29, 1808, Legajo 2330, Papeles de Cuba.

[46] Folch to Foronda, Mar. 1, 1808, Legajo 185, Papeles de Cuba.

New Orleans to the American settlements on the Tombigbee or other affluents of Mobile Bay. If duties were paid on such goods at Mobile itself, they were not thereby to be regarded as foreign. "We uniformly consider territory in Spanish possession as Spanish for revenue purposes whatever our claims," wrote the secretary.[47] Gallatin, it may be well to note, did not favor American pretensions to the utmost.

Folch had busied himself, while in New Orleans, in measures to circumvent the embargo, as well as in attempts to find out how effectively it might be enforced. Starvation threatened the soldiers and civilians at Mobile and Pensacola unless he could secure an adequate supply of flour. For weeks his efforts to that end were unavailing. Some were afraid to run the blockade that Claiborne had established on the lakes; others regarded such an attempt as unpatriotic. Finally, through the influence of Abner L. Duncan, Wilkinson's legal adviser, Folch succeeded in making a contract for the delivery at Pensacola of fifteen hundred barrels of flour, at twenty dollars a barrel. It is not difficult to perceive a mutual basis for this contract. Wilkinson, through the recent revelations of Power and Clark, was facing a congressional investigation and desired another exculpatory letter from Folch; the lat-

[47] Foronda to Madison, Feb. 20, 1808, Gallatin to Madison, Feb. 26, 1808, Spanish Notes, MS., II, Bureau of Indexes and Archives; Foronda to Cevallos, Feb. 22, 1808, Legajo 5549, Estado, A. H. N., Madrid.

ter needed an immediate supply of flour. Claiborne innocently furthered the application for the letter, while José Vidal, the Spanish vice-consul, lent his personal credit, along with Morales and Folch, to secure the flour. In this way Wilkinson was exerting his sinister influence against the president's policy, even while that executive was his chief protector.[48] Folch also arranged for a small subsidiary supply of flour from Mexico, and urged Foronda to send him some necessary hospital supplies.[49]

While such methods for evading the embargo robbed it of much terror, its enforcement proved sufficiently annoying to the Spaniards. The American blockade of Bayou Manchac would prevent Folch from sending assistance to Baton Rouge, should that be necessary. He charged the Americans with landing infantrymen on Spanish territory, killing live stock, and committing other outrages. Their naval commanders stopped and searched vessels on the lakes, including Folch's schooner, the *Vivora,* and did not hesitate to arrest deserters within his jurisdiction. In the latter stages of the embargo they closed the Mississippi to all Spanish commerce, except in connection with government business. Folch then planned to send vessels up that river to bring out cotton from Baton Rouge. He

[48] American Historical Review, XIX, 806–809.

[49] Folch to Vidal, Feb. 26, 1808, Vidal to Folch, Mar. 2, 1808, Legajo 185, Papeles de Cuba.

had no way of retaliating unless he encouraged the African slave trade through his territory or refused to deliver up fugitive slaves and criminals. His lot was a difficult one. He must do nothing to provoke aggression, and at the same time preserve the honor of his flag and feed a scattered dependent population.[50]

The embargo rendered other local problems more troublesome. The shadow of Burr appeared in a rumored plot of J. P. Kennedy and F. L. Claiborne to plunder Mobile at the head of a party of six hundred.[51] In August, 1808, Judge Toulmin proposed by joint action to prevent the bandits of either jurisdiction from committing depredations with impunity. He offered to try to punish a Spanish murderer whom he had apprehended, or to acquiesce in the Spaniards' doing so.[52] The apparent harmony of this incident was unique. In the same month John Owens, commander of gunboat Number 26, seized an American deserter Armstrong, living along Bayou Manchac. Samuel Fulton and Philip Hickey, local officials of West Florida, immediately reported this to Grand Pré, who directed a vigorous protest to Claiborne. In his

[50] Folch to Someruelos, Mar. 26, Apr. 19, 1808, Legajo 1574, Papeles de Cuba; Foronda to Madison, Apr. 8, 26, 30, 1808, Spanish Notes, MS., II, Bureau of Indexes and Archives; cf. Parker, 7533, and Robertson, 5160.

[51] Folch to St. Maxent, Jan. 31, 1808, Legajo 55; Folch to Someruelos, May 23, 1808, Legajo 1564, Papeles de Cuba.

[52] Toulmin to Commandant of Mobile, Aug. 28, 1808, Mobile Archives, MS., County Court House.

reply Claiborne reported that New Orleans was overrun with Spanish criminals and deserters, while West Florida probably contained a large number of American undesirables. He regretted that they had no plan for mutual extradition.

In his second demand for the release of the deserter, Grand Pré quoted a letter of Cowles Meade to justify himself for not having delivered up American refugees. When Folch learned of the correspondence, through the New Orleans papers rather than from Grand Pré, he took his subordinate to task for engaging in the controversy without consulting him. Ultimately Foronda brought this incident to Madison's attention. It was such a flagrant violation of Spanish sovereignty that orders were issued to restore Armstrong and two others, similarly apprehended, to the outraged Spaniards.[53]

In December another violation of Spanish territory occurred on the Mobile frontier. A customs officer, with a guard of soldiers, seized two vessels on the Tensaw, within Spanish territory. Salazar, then commandant at Mobile, immediately protested. He did not think the Americans were at war with Spain, but, if so, they should proceed with their "accustomed generosity" and not as bandits. He advised Folch to

[53] Someruelos to Folch, Oct. 22, 1808, Legajo 1565, Papeles de Cuba; Someruelos to Garibay, Feb. 6, 1809, Legajo 5543, Estado, A. H. N.; Folch to Someruelos, Jan. 24, 1809, Legajo 1566, Papeles de Cuba; cf. also Parker, 7509, 7513, 7515, 7529.

station armed vessels, with a supporting military detachment, on the Tensaw. Captain Gaines at once released one vessel but detained the other, whose owner seemed to be using it in contraband trade.[54]

The first rigors of the embargo led Folch to surmise that it would lead to an alliance between Great Britain and the United States with a declaration of war against France and allied Spain. Great Britain would cement the new pact by seizing the Floridas and delivering them to the United States. Folch might only prevent this by occupying Louisiana at the first news of hostilities. To effect this he needed fifteen hundred men with fifty pieces of artillery—an estimate which he doubled within a few months. As it was he could muster only three hundred and eighty-one men and was in danger of losing the Floridas. With the larger force, and with the aid of the discontented Indians, who feared the land hunger of the Americans, he might be able to stir up a rebellion in Louisiana. But he must be supported by a movement from the interior provinces of Mexico, which was threatened by renewed activity on the part of the revolutionary junta in New Orleans.[55]

Foronda had already laid Folch's complaints before Madison. Jefferson inspired the answer, but it gave

[54] Folch to Someruelos, Jan. 27, 1809, Legajo 1566, Papeles de Cuba.

[55] (Folch) to Caballero, Apr. 25, 1808, Legajo 185, Papeles de Cuba.

no promise of lightening the embargo. Spanish rights on the Mississippi should be balanced by American privileges on the Mobile. The United States claimed to the Perdido, but it would not bring the disputed region under its laws until the title was clearly settled.[56] This reply, with its continued emphasis upon American pretensions to West Florida, gave the Spaniards little satisfaction. When Folch later complained of the embargo and of the concurrent violations of Spanish territory, the captain-general in Cuba reported the affair from Havana to the Regency, then carrying on the struggle against Napoleon.

In their name Cevallos discussed these insults with George W. Erving, the American chargé, and quoted Folch's determination to use force, if they continued. Erving excused the occurrences as due to a desire to carry out the embargo rather than to show hostility to Spain or force that power to cede the Floridas.[57] With a continuance of the alleged insults, and with a reported increase in the American army of six thousand regulars and four times as many volunteers, the Spaniard recurred to the subject. Spain was now in friendly alliance with England against the ambitious Napoleon, and her ministers could affect greater inde-

[56] Foronda to Madison, Oct. 14, 1808, Spanish Notes, MS., II, Bureau of Indexes and Archives; Foronda to the Captain-General of Cuba, Nov. 3, 1808, Legajo 1708, Papeles de Cuba.

[57] Erving to Cevallos, Nov. 12, 16, 1808, Spanish Dispatches, MS., XI, Bureau of Indexes and Archives.

pendence. Erving refused to continue the discussion.[58] Greater issues now claimed the attention of himself and of the administration at home. To appreciate their meaning we must review the course of the Florida negotiation since Monroe's failure at Aranjuez.

[58] Minute to Foronda, May 19, 1809, Erving to Martin de Garay, July 22, 1809, Legajo 5549, Estado, A. H. N.

CHAPTER VII

American Bickering and French Bargaining

The diplomatic authorities of the interested countries variously reflected the uncertainty following Monroe's failure. French officials watched the outcome with interest, not unmixed with guile. The Spanish ministers of state regarded the unsettled questions with increasing indifference as they saw their country sinking more and more under the influence of Napoleon. From that subserviency Jefferson and his advisers hoped to profit either by some despairing attempt of Spain to ward off the inevitable blow or by the deliberate action of the French emperor. Yet in their desire to gain the Floridas without insufferable conditions, they wavered between a maintenance of the existing status, a closer union with France, and a possible alliance with Great Britain. Amid the general irresolution, Armstrong's proposal to abandon the claim to West Florida and occupy Texas had at least the merit of reasonable definiteness. Even the doubtful Monroe, as we have seen, fell under its spell and advised immediate action in keeping with it.[1] Yet he did not cease to think that Armstrong,

[1] Cf. p. 129.

like Livingston, might be influenced by some mercenary motive in urging it.

Early in August the American administration learned of Monroe's failure. The mild but hopeful Madison suggested that the negotiation might profitably be transferred to the United States. Jefferson thought that this would merely invite another failure. In turn he proposed an alliance with Great Britain. The prospect of peace in Europe, with American controversies unsettled, alarmed him. They could not even hope to maintain the *status quo* without some sort of diplomatic backing. Madison had earlier hinted at a British alliance, but now he intimated that Great Britain would not fight their battles without an awkward stipulation to her own advantage. He could propose nothing more definite than an appearance of greater friendliness for Merry, the British minister.[2]

Gallatin, whose opinions were entitled to careful consideration, wrote Madison that he thought the American demands too difficult for Spain to meet. They could be pressed only at the risk of lowering our national reputation. The rejection of our claims did not justify war, nor would the Floridas afford compensation for its cost. Livingston and Monroe were at fault in not insisting upon definite boundaries for Louisiana.

[2] Ford, Jefferson, VIII, 374, 377. The three following paragraphs are based on the excellent resumé to be found in Adams, History of the United States, III, Ch. III.

He favored a renewal of the negotiation with an offer to accept the Sabine and the Perdido as its proposed limits. In the meantime Congress might organize the militia and build up the navy, although he hesitated to trust his colleague Robert Smith with its management.

Armstrong's proposal to seize Texas seemed more acceptable to the president. On September 16, 1805, the latter incorporated this suggestion with his own project for a British alliance. Madison thought that an agreement with Great Britain should not prevent them from making separate terms with Spain, whenever attainable. At the same time Armstrong should disabuse the French government of any idea of financial profit and suggest the possibility of an alliance with Great Britain. By October he was again undecided, for that power had recommenced a commercial policy that did little to invite closer relations. Jefferson expected the war in Europe to keep Napoleon busy for the next two years. This would enable the United States to engage in hostilities against Spain, if it seemed desirable; or if not, to make another attempt at peaceful settlement. By the middle of October he was willing to initiate the negotiation at Paris, with Armstrong, or Monroe, or both, as negotiators, with France as the mediator, and to pay a round sum for the Floridas without regard to the final recipient. France must, however, undertake the part of mediator

at once. The United States would resist any attempt by Spain to change existing conditions. Thus the president sought peace with well-feigned vigor.

It is not surprising that after four months of indecision the cabinet, at its meeting on November 12, failed to adopt a warlike policy. Its last effort at amicable settlement with Spain was to be directed to the French government. The United States was ready to pay a sum of money for the rights of Spain east of the Iberville, and to cede a portion of their Texas claim. In addition Spain must assume a certain sum for spoliations. The limit of the sum to be offered for the Floridas, which was the "exciting motive" with France, was fixed at five millions of dollars. Gallatin did not like this appearance of purchasing peace, but the others were influenced by the fact that such action would undoubtedly secure our commerce on the Mississippi and the Mobile. In addition to this main point, Casa Yrujo must be expelled from the country together with Casa Calvo, Morales, and other Spanish officials at New Orleans. This part of the program, as we have already seen, was more easily realized than the other.

During this critical summer the French minister, Turreau, assured his government that it was a cardinal principle of the Americans to acquire territory without war. For this reason their ideas were exclusively directed against Spain, their weaker southern

neighbor. He urged Napoleon to take the Floridas and Cuba in order to baffle their plans.[3] This proposal recalls Talleyrand's "wall of brass," and was doubtless inspired by the complacency with which the Americans had already met his previous demands in regard to Moreau and the trade with Santo Domingo. But Jefferson and Madison had already begun to cultivate closer relations with Merry, much to that minister's surprise. The mystery was explained when the president frankly told of the relations between Spain and the United States. Should hostilities result, his country could easily occupy the Floridas and Cuba. Such a necessary move for self-defense should cause no change in the policy of Great Britain, although by this time her new commercial exactions showed that the United States could expect nothing more than an uncertain neutrality.[4] At this point Skipwith brought the despatch from Armstrong that renewed the promise of a closer French connection.

In the midst of the busy Austrian campaign Talleyrand still sought to profit from the Florida negotiation. His agent Ouvrard told Armstrong that Napoleon would use his influence to get the Floridas from Spain and establish a suitable western limit for Louisiana. A portion of the commercial claims in which France was concerned were to be dropped, and

[3] Adams, History of the United States, III, 85, 86.
[4] Ibid., 101, 102.

the remainder to be paid by bills on the Spanish colonies. In addition the United States should pay ten millions of dollars ostensibly to Spain, in reality to France. After vigorous argument following Armstrong's rejection of these propositions, the money payment was reduced to seven millions. Armstrong simply sent Jefferson a full report of the transaction. The affair had been managed in such an irresponsible way that he thoroughly distrusted it.[5]

The cabinet had already concluded that it would be wise to offer five millions for the Floridas. This was a smaller sum than the French proposition contemplated, with more uncertainty about the recipient. But they might scale the French price to correspond with their own. After careful advisement, therefore, the cabinet agreed to pay the five millions for the Floridas as soon as Spain should make a treaty on the lines suggested, and to make no mention of those French claims which had contributed to the former diplomatic failure.[6] This plan promised to settle a long standing dispute on favorable terms at a time when England was resuming a most irritating commercial course.

It was one thing for the cabinet to contemplate spending five millions in settling its disputes with Spain. But, unfortunately, in addition to the remain-

[5] Adams, History of the United States, III, 103–106.
[6] Ibid., 106, 107.

ing commercial claims, Jefferson needed two millions in cash to carry out his plan. He must secure this from Congress. He preferred to approach that body indirectly, for in his subserviency to France he seemed virtually to lose the previous antipathy to foreign alliance that he had expressed in his inaugural. Moreover his course was open to attack on moral grounds. Accordingly, as we have noted, he worded his annual message so as to arouse public opinion in favor of a vigorous foreign policy. He promised to follow this within a few days by a more confidential communication.[7] Congress naturally expected vigorous suggestions in keeping with his first utterance, and was disappointed when the secret message actually appeared. This paper reviewed recent diplomatic relations with Spain, mentioned the Spanish protest against the cession of Louisiana and the Mobile Act, and emphasized the Spanish view that the United States was entitled to no territory east of the Iberville, and to a "string of land only" west of the Mississippi. The position of France in this negotiation was equivocal; but she favored the Spanish pretensions in regard to the territory east of the Mississippi, although her silence in regard to the western boundary led him to infer that she might there favor the United States. With this merely formal recital of differences, the message referred the whole subject to

[7] Ford, Jefferson, VIII, 390, 391.

Congress for such action as its wisdom and zeal should approve.[8]

The wisdom of the Ninth Congress proved to be an almost negligible quantity and its zeal, personified in John Randolph, a most persistent obstacle in the president's path. That statesman refused to favor the appropriation, even if it were asked for openly, and instead his Committee on Ways and Means, after considerable discussion, reported on January 3, 1806, in favor of increasing the national forces along the southern border.[9] By this measure of preparedness he designed to arouse in Spain a wholesome respect for our power and intentions. His actual purpose was to settle the outstanding territorial disputes by a peaceful exchange of territorial claims west of the Mississippi for those of Spain to the eastward. Randolph's willingness to follow the suggestions of Casa Calvo and his confrères was, however, more apparent than real. Hatred for Madison rather than admiration for the Spanish controversialists determined his action.

The friends of the administration succeeded in amending Randolph's resolution in the committee of the whole so as to appropriate the two millions that Jefferson required. But they refused to substitute the phrase "east of the Perdido" for "east of the Mississippi" in the preamble of the act. This unwilling-

[8] Ford, Jefferson, VIII, 397–402.

[9] Annals of Ninth Congress, First Session, 1117–1118.

ness to jeopardize the negotiation by claiming too much was in harmony with Randolph's position. During the ensuing debate in the House the Virginian completely reversed himself on the West Florida dispute, and stated that Spain had a perfectly good claim to the territory between the Iberville and the Perdido. Madison had grossly mismanaged the whole subject of Louisiana boundaries and by false inferences had led the House into such questionable measures as the Mobile Act.

Notwithstanding his previous bungling the secretary had now, so Randolph charged, persuaded the administration to adopt a new negotiation involving an expenditure, including claims, of five millions. This new proposition was simply an attempt to buy territory which a highwayman was trying to wrest from its rightful owner. The true course of honor, the overridden chairman contended, was to assume a strong position on the border and await a favorable turn for negotiation. This, however, should contemplate a real exchange of territory, with no payment of money either directly to Spain or indirectly to France.

Randolph was too rabid to gain more than casual support for his bizarre policy of economy and preparedness. The majority preferred to entrust the defense of the frontiers to the regular militia and to expend the two millions necessary to complete the purchase of the Floridas. By this means they would

acquire undoubted Spanish territory as well as the portion in dispute, and it would cost far less than a war in which France would probably support Spain. It was no concern to them what became of the purchase money; their government was in no sense the guardian of Spain. With such arguments the majority justified their action in attempting to purchase peace rather than in asserting a vigorous national policy.[10] The "Two Million Act" that passed was based upon that which authorized Monroe's special mission three years before. The circumstances surrounding both were in many cases identical. The former apparently contributed to bring about the Louisiana Purchase. It was not certain that the outcome of the latter would be equally advantageous.

The determining factor in the earlier transaction was the willingness of our diplomats to meet Napoleon's monetary demands. The attempt in the second to scale these from seven to five millions, of which two millions only was to be paid in cash, was not a favorable symptom. In 1803 the diplomatic principals, despite their mutual distrust and jealousy, acted together in essential matters, while their fellows in London and Madrid loyally seconded their efforts. It remained to be seen if their successors would do as well three years later. The stake—the peaceful possession of the Floridas—was the same; but the situ-

[10] Annals of Ninth Congress, First Session, 1133–1138.

ation both at home and abroad was infinitely more complicated.

Of the previous diplomatic group, Monroe was the only one in active service. From his post in London he could play only a subordinate part in the Florida negotiation and that largely in an underhand way. In the summer of 1805 James Bowdoin, the new minister to Spain, was with him in London. After consulting together they decided that if Bowdoin went straightway to Spain, it would create the impression that the United States was taking Monroe's failure altogether too easily. As it was desirable to have a representative there, they concluded to send George W. Erving, Bowdoin's secretary, to act as chargé, while Bowdoin himself went to Paris, the real diplomatic center.[11] By this decision, whether they willed it or not, and by the secret correspondence which the three subsequently maintained, they established a Massachusetts-Virginia combination against the Empire State group that Armstrong represented. Partisanship did not in this case cease at the water's edge, nor was faction controlled within the party ranks. To this fact we may in part attribute the failure of the negotiation that now followed at Paris.

The decision at London was naturally displeasing to

[11] Bowdoin to Madison, July 8, 31, 1805, Spanish Dispatches, MS., IX, Erving to Madison, Aug. 24, 1805, Spanish Dispatches, MS., X, Bureau of Indexes and Archives.

Armstrong. He wrote Monroe that the mere presence of Erving at Madrid would probably do no harm, but any overtures on his part to the Spanish government would result in "nothing but mischief."[12] Erving believed that Armstrong wanted to handle the negotiation himself at Paris. He also noted that the French government still hoped to make money out of the quarrel and that the course of some of his fellow-countrymen tended to confirm it in this hope. Armstrong had indiscreetly permitted one of these irresponsible agents, Daniel Parker, agent of the banking house of the Hopes, to learn his instructions. Parker declared that France had interfered in the negotiation much less than the Americans believed, and would not interfere unless both disputants appealed to her as umpire. He thought Erving blustering when the latter denied that the American government intended to make such an appeal. If it did not, it should pursue a more vigorous and consistent commercial policy toward England. The recent exactions of that power must soon lead France to make similar exactions, and thus affect the whole negotiation adversely.[13]

Bowdoin, when he reached Paris, also recognized the general diplomatic benefit of emphatic protests against England's policy. But it would be still more

[12] Armstrong to Monroe, Sept. 18, 1805, Letters to Monroe, Lenox MSS.

[13] Erving to Monroe, Sept. 20, Oct. 10, Nov. 25, 1805, Lenox MSS.; Adams, History of the United States, III, 379.

serviceable to occupy part of the disputed territory and get rid of the money-jobbers. These were determined to convert the American commercial claims into bills of exchange on the Spanish colonies and in addition make the United States pay well for the Floridas.[14] Thus American desire and Spanish weakness were to minister to French needs. Napoleon's corrupt agents, rather than Napoleon himself, seemed responsible for most of this jobbery. Its prevalence and Armstrong's reticence led Bowdoin to write Erving that affairs did not look so propitious as he had expected.[15]

Since Armstrong did not welcome Bowdoin's presence in Paris, the latter had to "skrew and wire draw to obtain the most simple facts" from him. Armstrong advised him to remain in Paris until they learned the result of the proposition he had sent home, but he gave him no copy of it, and in the interim favored no new application to Talleyrand. This imparted to Armstrong's course "an odd appearance," and caused Bowdoin to "augur no good" from "these intermixed jurisdictions."[16] Erving, playing the usual waiting game at Madrid, coincided with his opinion. He did not anticipate any serious negotiation "with baseness

[14] Bowdoin to Monroe, Nov. 25, 1805, Adams, History of the United States, III, 379.

[15] Bowdoin and Temple Papers, II, 254, Proceedings of the Massachusetts Historical Society, 7th Series, Vol. VI.

[16] Ibid., 261–265.

and apathy on one side, and the most barefaced corruption on both." The young chargé was hardly warranted in characterizing the situation so bluntly, but he wished to discourage the corrupt intermediaries. "We must have more regard for our own honor than their wants." The Americans must also remove the idea that their "pacifick system" would never be changed. "A blow must be struck which will arouse it [i. e., the Spanish government] from its *lethargy* and convince *France that we are no longer to be trifled with* before we shall be able to *negotiate with any probability of success.*" In accounting for the subserviency of the Spanish government, he wrote: "They have no statesmen, no force, no money."[17]

It is interesting to note how quickly Bowdoin assumed the hopeless tone of Monroe at Aranjuez. "Present interest and not great principles rule on the continent now."[18] After another of Parker's financial propositions early in December, he wrote discouragingly. "More Jesuitness can hardly be conceived . . . nothing but a wish to serve our country could induce me to bear with such legerdemain."[19] The only ground for hope was the fact that the French government would not care to have its part in the negotiation published. Apparently Talleyrand's agents were deter-

[17] Ibid., 257. The italicized portions were written in cipher.

[18] Bowdoin to Madison, Dec. 7, 1805, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives.

[19] Bowdoin and Temple Papers, II, 269.

mined to force the relinquishment of the commercial claims and the payment of a substantial sum for the Floridas.[20] Talleyrand's absence in Austria seemed merely to thicken the atmosphere of jobbery at Paris.

Early in January, 1806, Bowdoin reported to Monroe that Parker had broached to him a new plan, fathered by one of Godoy's agents. The net proceeds from the Floridas were to be fixed at four millions. Spain should turn that sum over to France as if in payment of a debt that the latter power had guaranteed; or France might assume the hypothetical debt, take the Floridas in payment, and then sell them to the United States. Bowdoin was unwilling to consider a cash payment above two millions and wrote to Monroe for advice.[21]

At the same time he charged Erving to be very careful about mentioning these rumors in Madrid. Godoy hated the French and they were jealous of him. It might be possible to convince the Spanish minister that France must keep out of the controversy and give Spain the entire benefit of any money payments. Perhaps it would be well to hint that a cession of Texas to the United States would increase the value of Godoy's land claims in that province. If by any means Erving should induce the other to say that he would accept the two millions for the Floridas in addi-

[20] Bowdoin to Monroe, Dec. 17, 1805, Lenox MSS.

[21] Bowdoin and Temple Papers, II, 279–282.

tion to our claims, Bowdoin would at once leave for Madrid. He might thus avoid the financial schemes that Talleyrand and Parker were trying to put through in Paris.[22] A month later he wrote Erving to disregard these suggestions. Armstrong was more uncommunicative than ever, and there was a rumor that Casa Yrujo had been empowered to take up the negotiation in Washington.[23]

The return of Napoleon and Talleyrand to Paris early in February, after the successful Austrian campaign, encouraged Bowdoin, if not Armstrong. The tone of the president's recent public message might strengthen Talleyrand's antipathy to the American administration and influence his imperial prompter. England's commercial policy was unfavorable also to the negotiation. In March Armstrong told Bowdoin that Talleyrand would not act until he heard definitely from his unofficial proposals of the preceding autumn.[24] Bowdoin was inclined to put more confidence in the good intentions of Napoleon, if the stock jobbers would only let him alone. Yet he suspected that the success of the Louisiana Purchase had led all Frenchmen, including the emperor himself, to anticipate another easy subsidy.

A new overture from a Spanish contractor, Ouvras

[22] Bowdoin and Temple Papers, II, 282–287.

[23] Ibid.

[24] Bowdoin to Madison, Mar. 9, 1806, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives.

[Ouvrard?] by name, had mentioned six millions as the prospective sum required.[25] Bowdoin had no instructions to guide him and Armstrong still maintained "the same foolish senselessness of reserve."[26] But the former was more concerned over "ye same coolness and neglect from Mr. T[alleyrand]," whom he had not yet met, despite several mortifying attempts to do so. On March 1, 1806, in a long communication to Jefferson reviewing conditions to date, he called Spain a province of France with the Prince of the Peace as its prefect. Any dispute with the former power, therefore, was to be regarded as a dispute with France. He and Armstrong were more likely to settle it while the two powers were still at war with England; and he believed that three or four millions, with the allowance of certain commercial claims and a suitable western boundary, would be sufficient for the purpose. This would certainly be the case if France were to be beneficiary, and would permit some allowance for interested speculators. But Bowdoin desired to keep clear of all such.[27]

Before the despatch from the discouraged envoy reached America, Madison had penned the new instructions that were to guide him and his unwilling colleague in their joint mission.[28] After reviewing

[25] Bowdoin to Monroe, Feb. 24, 1806, Lenox MSS.

[26] Bowdoin and Temple Papers, II, 307.

[27] Ibid., 294 ff.

[28] Madison to Armstrong and Bowdoin, Mar. 3, 1806, Instructions, MS., VI, Bureau of Indexes and Archives.

Armstrong's despatch of the previous September, he stated that the president's impulse was to report the failure of the negotiation to Congress for such action as seemed best, together with a covert threat against the French government. When, however, the president received Armstrong's later communication, he believed that he might proceed as he had done in 1803, and had laid the matter before Congress at its regular session. After a delay caused by "some variances of opinion" (thus does he pass over Randolph's revolt) Congress acted as he wished. The two commissioners in Paris were to inform the French government at once that they were ready to act under its friendly auspices. He left to them the method and the place for presenting this overture, as well as the definite language in which it should be expressed.

The essential points of the negotiation were the Floridas, the spoliations, and a suitable western boundary. The article in regard to West Florida, for many reasons the crucial one, was to be worded in accordance with Spanish feelings rather than American claims. As Madison suggested in his draft, Spain should "acknowledge and confirm to the United States, West Florida and cede to them forever the same and East Florida," or "(if unattainable in that form), Spain cedes and confirms forever to the United States, East and West Florida." By so wording the article, the secretary pointed out, the commissioners would

date the cesssion of the disputed territory from the Louisiana Purchase, and thus invalidate subsequent land sales. At the same time Madison observed that if Spain could be brought to acknowledge more completely the right of the United States to the Perdido, the Americans should use that river rather than the Appalachicola as a future divisional line.

The observations of the secretary would hardly make his proposals more agreeable to Spain. Nor were his measures to cut off stock jobbing calculated to make them acceptable to France. Yet he and his sponsors affected a virtue by this means even while acceding in part to Talleyrand's dubious proposals. Having thus alienated the two nations most intimately concerned, they were unable, because of Great Britain's commercial policy, to anticipate aid from that quarter. Moreover the opposition of Randolph, which even Merry noted in his correspondence, had delayed action too long to be effective, had it been in keeping with French desires. Talleyrand was ready, therefore, in response to Masserano's prayer for intervention, to favor Spain rather than the United States in the troublesome controversy. Merry's warning also set the English government against any possible triple entente. Skipwith, he informed his superior, took back with him the copy of a resolution to prohibit the importation of British manufactures.[29]

[29] Merry to C. J. Fox, June 29, 1806, MS., British Foreign Office, America, II, 5, Vol. 49.

The jealousy and suspicion that then ruled among the American representatives was in itself sufficient to wreck the negotiation. Skipwith, Bowdoin, and the latter's secretary, James Sullivan, united in charging Armstrong with desiring to exclude Bowdoin from the negotiation. Armstrong's reputed indebtedness, his intimacy with the untrustworthy Parker, and his duplicity in recommending a vigorous course toward Spain while encouraging secret financial intrigues, all conspired to arouse in them the same distrust that formerly hampered Livingston.

The little coterie at Paris tried to share their opinions with Erving and Monroe. To the latter Skipwith wrote: "In other words the General has become the conductor to our good President of Parker's specifics. . . . If they succeeded he might gain in popularity and perhaps participate in the emoluments anticipated by the quack; while should Parker's prescriptions fail, our Diplomat still expected to hold his last Trump in his own hands by resorting to the dignified grounds on which he had ostensibly placed himself with you. He is as little your friend, I give you my word, as he is the Friend of virtue and dignity in any other man." Bowdoin sent Sullivan to give Monroe a personal report of the situation. Armstrong treated him with neglect and was too intimate with Parker. The jobbers would not let Spain compose her own quarrels. All that the Americans could do,

in Bowdoin's opinion, was to threaten the French and Spanish colonies and what was left of their commerce.[30] Monroe still expressed hope. At any rate, since the administration had finally determined upon a policy, they should all join to push it through. By so doing they might unite factions at home and settle all pending issues in Europe.[31] Monroe's philosophy always surpassed his performance.

The negotiation at Paris promptly took the usual course that characterized Talleyrand's control. One of his former attachés, M. Dautremont, told Skipwith shortly after his return, that the emperor detested American principles. This was very probable. But Dautremont advised the American to see M. Roux, Talleyrand's man of affairs, and offered him an invitation to dine with M. Doyen, another of the minister's panderers, through whom he could meet Señor Izquierdo. The latter was Godoy's confidential agent, and if Skipwith objected to meeting Izquierdo directly, he might make Doyen his intermediary.[32]

These proposals smacked strongly of the X. Y. Z. affair of the previous decade. Bowdoin advised Skip-

[30] Skipwith to Monroe, May 3, May [?], 1806, Sullivan to Erving, May 5, 1806, Bowdoin to Monroe, May 30, 1806, Lenox MSS.

[31] Monroe to Bowdoin, June 24, 1806, Lenox MSS. (Ford Collection).

[32] Bowdoin and Temple Papers, II, 309; Adams, History of the United States, III, 379.

with to draw Dautremont out, but to refuse all personal relations with those whom he mentioned. When the agent found that his suggestions elicited no profitable proposals from Bowdoin, he ceased for the time being to make them. This gave the Americans a chance to approach Talleyrand directly. Bowdoin, although associated with Armstrong in the commission to the French government, had never been presented to the minister of foreign affairs; consequently Armstrong had to conduct all the personal interviews. On May 1 he informed Talleyrand that his country was prepared to renew the negotiation "under the auspices of a common friend," but was not yet ready to make overtures. "The first steps must be taken by Spain and be the result of her own reflections or counsels given her." Obviously Armstrong expected the emperor to give them. "The views of the United States," to quote from his later note, "have been exclusively directed to His Imperial and Royal Majesty" as the only possible mediator.[33]

The emperor's first response was little in keeping with Armstrong's obsequious approach. He permitted Talleyrand, on May 3, to show the American a formal declaration from the Spanish king that he would in no manner dispose of the Floridas. Talleyrand had previously not known of this declaration, and its effect,

[33] Armstrong to Talleyrand, May 6, 26, 1806, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives.

backed up by books, maps, and formal arguments, was inconsistent with his previous statement that the king had placed the whole matter in the emperor's hands. To forestall this charge, Talleyrand intimated that the Spanish sovereign had changed his mind because Bowdoin had told Erving that the French proposed to turn the negotiation into a job. Talleyrand had no authority for this insinuation, but his immediate purpose was to relieve himself of criticism, to sow dissension among the American negotiators,[34] and to regain control of the affair.

To serve the last named end he made a long report to the emperor, dated May 6, 1806. In this Talleyrand mentioned that the commission to Armstrong and Bowdoin gave him an opportunity once more to express his opinion on the dispute between the United States and Spain. The commercial claims were fully covered by the treaty of September, 1800. The American claim to West Florida would not bear the least examination, although he discussed it sufficiently to prove his point. He had asserted this so often that he did not think the United States would recur to the repeated discussions with France and ought not to do so with Spain. If its representatives did so, the French government ought formally to oppose them, but if they wished to discuss amicably the acquisition of Florida, they might address themselves simply to Spain.

[34] Adams, History of the United States, III, 376–378.

Talleyrand showed that West Florida had no importance except for the navigation of its rivers and its situation on the Gulf. In the hands of the United States its commerce and population would rapidly increase, but never while Spain controlled it. That nation desired to retain the Floridas, especially after the transfer of Louisiana, in order to exclude the United States from the Gulf. West Florida was liable to be a serious cause for quarrel because no natural barrier separated it from the contiguous American territory, where the population was continually increasing. The United States was more interested in acquiring this area and the remaining territory east of the Mississippi than Spain with its stationary population was concerned in retaining it.

Talleyrand intimated that Napoleon had sold Louisiana to stimulate commercial rivalry between the various States of the Union and emphasize western separatism. The same reason might lead him to favor the American acquisition of the Floridas, unless he wished them for himself or to serve some ulterior negotiation. Since the recent French victories the American government had showed itself more compliant, but it must go to still greater lengths. It must cease exaggerating the pretended inroads and commercial exactions of the Spaniards, and restrain such projects as Miranda's. In behalf of France it must relinquish the trade with Santo Domingo, and adopt commercial

measures against Great Britain. It might thus bring the negotiation to a successful conclusion. He intimated, however, that as the Americans desired the Floridas so greatly, they might seize them by force. The emperor should determine whether or not it was to his advantage to keep alive a dispute so dangerous that it must inevitably involve the Spanish colonies. In any case he should permit only a settlement that was favorable to Spain.[35]

Talleyrand worked upon Armstrong to bring about a second application to the emperor by assuring the American minister that His Majesty was ready to lend his good offices to settle the controversy. Then he instructed Vandeul, the French minister at Madrid, to act in keeping with his report. The United States ought not to ask for any commercial claims or demand any part of the Floridas. It must purchase the latter entire, and settle the western boundary of Louisiana with due regard to Spanish susceptibilities and with proper indemnity for any territory yielded. The French representative was to express no opinion about the Floridas, but he might intimate the commercial advantages that the United States expected to gain from possessing them, and also suggest how easily it could invade them. Unless Spain were determined to preserve these colonies, she might listen to these

[35] Archives des Affaires Étrangères, États Unis, MS., Vol. 59, 133–138.

American propositions with favor, and content herself with the thought that they would be much more valuable to the United States than to herself. The emperor would be glad to see this dispute settled, and Vandeul was to do all possible to favor this, without, however, intervening officially or displaying more than casual interest.[36]

The situation was not hopeful. Cevallos and Masserano were both complaining about the expulsion of Casa Calvo and Morales, and later about Miranda, with the evident object of preventing friendly discussion. Godoy told Vandeul that *"everything stood well and there was no necessity for negotiation."* When Vandeul urged the wish of the emperor to see the affair settled and reported what steps had already been taken to bring this about, Godoy consented to undertake the negotiation. The Frenchman hastened to inform Talleyrand and Erving of his initial success. In a second interview a few days later he attempted to settle the details. At first Godoy insisted upon negotiating at Madrid, or knowing the views of the United States, before agreeing to abide by the result, but finally yielded to the arguments of the French minister. These were backed by assurances that his gov-

[36] Talleyrand to Vandeul, May 28, 1806, Archives des Affaires Étrangères, Éspagne, MS., Vol. 669; Talleyrand to Armstrong, June 4, 1806, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives; Adams, History of the United States, III, 380.

ernment would not support the American claim to West Florida and by a frank warning that the United States might seize the region. Under such pressure Godoy then reluctantly consented to refer the whole affair to French arbitration. Vandeul regarded this as safer than leaving so delicate an adjustment exposed to the factitious complaints of Cevallos or the uncompromising Americanism of Erving.[37]

Vandeul was moving too rapidly for his superiors, or at least Napoleon affected to think so. In the course of the severe reprimand that Talleyrand, upon the emperor's order, administered to him, he told the chargé that however much Napoleon might desire to see the differences between Spain and the United States settled, "the terms and the way must be left to them; affairs of this delicacy . . . [must] be managed very carefully." Talleyrand closed his rebuke with this sentence: "The government alone can know whether this step is consistent with its interests of the moment and with the general plan it has formed for itself." Probably he only meant that Napoleon had determined to use the Floridas as a means of coercing the United States to support his commercial policy; but, in the words of Izquierdo to Godoy, "Who is able to divine the mind of M. Talleyrand?"[38]

[37] Vandeul to Talleyrand, June 16, 19, 26, 1806, Archives des Affaires Étrangères, Éspagne, MS., Vol. 670; Adams, History of the United States, III, 381–385.

[38] Bowdoin to Madison, Aug. 22, 1806, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives.

During the summer of 1806 the Spanish Court became enraged over Napoleon's design to give the Balearic Islands to the Bourbons, whom he had driven from Naples. Some inkling of their rage may have reached the emperor at Paris and induced him to suspend the Florida negotiation. If Spain were becoming restive, it would be advisable to keep the controversy open. But a series of contemporary memoirs may have assisted to confirm him in his purpose or reconcile Talleyrand to it. One of them, written by Pinckney Horry, a nephew of General C. C. Pinckney and a naturalized French subject, displays all the neophyte's zeal in behalf of his adopted country. He advised that France secure for herself East Florida, which would afford her a favorable position for exerting pressure on both Spaniards and Americans. By a measured and pliant conduct it might be possible to neutralize the jealousy that her presence there might cause; for possession was less important than her conduct as a neighbor. The ruling class of the Carolinas and Georgia, pleasure-loving and honorable men, were easily led by those who knew them. They still felt a bitter hatred for England, and would prevent the English party in the United States from attempting hostile measures against the French. Spain should acquiesce in their occupying the peninsula rather than permit the United States to get it. She

could not adequately defend it herself, and risked the loss of all her colonies by attempting to hold it.[39]

Another memoir was the work of a certain M. Vezmonnet, who had recently returned from the United States. That power, as the president had avowed, expected soon to purchase the Floridas or take them by force. West Florida was the key to Louisiana, and there could be no permanent tranquility between Spain and the United States until the latter got it. Then it would share with England the commerce of Cuba and Mexico and inoculate those colonies with the views of independence. The emperor alone could prevent this.[40] Still later an anonymous memoir stated that the Floridas might yet cause Jefferson to draw the sword instead of the pen. His enemies had criticised the acquisition of Louisiana, and this had led to his obsession for the Floridas and his insistence upon the claim to the Perdido. While internal dissension among the Americans might suffice to protect the Floridas and Mexico from the torrent of independence that was sweeping toward them, French assistance was also essential and must not be ignored.[41]

None of the nations of that period had any inten-

[39] The memoir bears the date June 25, 1806, Archives des Affaires Étrangères, États Unis, MS., Vol. 59, 215 ff.

[40] The memoir is dated Aug. 6, 1806, Archives des Affaires Étrangères, États Unis, MS., Vol. 59, 240–246.

[41] The memoir is dated Nov. ?, 1806, Archives des Affaires Étrangères, États Unis, MS., Vol. 59, 310.

tion of ignoring France; Spain least of all. But for a time resentment over the Balearics led Godoy into a mad attempt at independent action. This will partially explain the course of Izquierdo, his agent at Paris. Izquierdo did not welcome his principal's unwilling instructions to undertake a territorial negotiation that involved little honor and less financial return. He told his friend, M. Cazenove, who had urged him to treat with Armstrong, that they could do no more than examine documents at Paris. Those in the Spanish embassy had already been turned over to him, when he learned of the emperor's change of mind and returned them forthwith. The imperial decision gave him no less satisfaction than it did his superiors.

For a time Godoy and Cevallos thought of having Casa Yrujo bring this decision to the attention of the American government and publish it in the American papers. But still distrusting their imperial ally, they contented themselves with giving their representative a résumé of the decision and made no mention of Izquierdo's brief agency. Casa Yrujo would know how to make the most of it.[42] The emperor had already taken pains to have the American government informed of his position. He regretted its settled spirit of animosity toward Spain. Turreau was to in-

[42] Izquierdo to ?, June 27, 1806, Izquierdo to Cevallos, Aug. 8, 1806, Cevallos to Casa Yrujo, Aug. 22, 1806, Legajo 5542, Estado, A. H. N., Madrid.

form Madison that neither that power nor France recognized the claim to West Florida and that it was useless for the United States to insist upon it. If she wished to acquire the Floridas, let her consult the interests of Spain. Moreover any attempt to interfere with the Spanish colonies would result in European intervention.[43]

Madison was already directing his course in keeping with this fiat. If the negotiation for the Floridas should again fail, as seemed likely, he instructed Armstrong and Bowdoin to secure the *status quo,* the navigation of the Mobile, and the ratification of the claims convention of 1802. He had hoped that Monroe and Pinckney would secure these very points at Aranjuez the year before. This, according to the meek and patient secretary, would insure the continuance of an honorable peace with Spain and give needed time for further consideration of the disputed points. It would also insure "the increase of the relative power of the United States, for which time alone is wanted."[44] Madison here mentioned the factor that was ultimately to determine the ownership of the desired territory. It was likewise the factor that most greatly aroused Spanish concern.

The change in Napoleon's policy put still farther

[43] (Talleyrand) to Turreau, July 31, 1806, Archives des Affaires Étrangères, États Unis, MS., Vol. 59, 233–236.

[44] Madison to Bowdoin and Armstrong, May 26, 1806, Instructions, MS., VI, Bureau of Indexes and Archives.

asunder those who were joined in the trying negotiation. Neither Armstrong nor Bowdoin could at first explain Izquierdo's failure to pursue the task already initiated. Bowdoin was inclined to think that Godoy had appointed his agent, a "Spaniard of no great consideration," an "artful and intriguing man" like himself, and then had refused to give him the necessary powers to treat. By this means the Spaniard would avoid unacceptable action. The Americans believed, as was natural, that the course of both principal and agent was determined by Talleyrand himself, or by the stock-jobbers who hoped to profit by the transaction. In this number Bowdoin was ready to class his colleague, Armstrong, who was inclined to excuse Izquierdo and intimated that perhaps the Spanish agent's instructions required some amendment. Armstrong intimated that Bowdoin must restrain his impatience or they would lose the initial advantage.[45]

At this juncture Talleyrand's agent, Dautremont, paid Skipwith another visit. He assured the American that the recent capture of Buenos Ayres by the British rendered a settlement between Spain and the United States more imperative than ever. Contrary to report Dautremont insisted that Izquierdo was empowered to treat with the Americans, subject to French control. All depended on Talleyrand. Skipwith ought to know how important it was "to smooth

[45] Bowdoin to Monroe, Aug. 16, 1806, Lenox MSS.

the way by reconciling public measures to the interests of influential individuals."

In view of the X. Y. Z. episode, this "reconciling" must take some other form than a direct bribe if the "influential individuals" were "to procure the salutary purposes intended." In the course of their interview Skipwith learned that this was to take the form of a land grant to Talleyrand's favorite brother. The family name was not to appear in the transaction. Izquierdo could sign the necessary papers and Dautremont and Skipwith receive a share in the profits. Skipwith refused to entertain the proposal and Bowdoin commended him for his straightforwardness. Policy as well as common honesty should lead them to reject every suggestion of the sort, which could only delay the desired acquisition and defer permanent peace.[46]

Bowdoin, however, was anxious to settle the issues with Spain before England should make peace with France, and urged Monroe to use his efforts to that end. When the early days of September arrived without further move, he feared that France and Spain were delaying the settlement until a general peace should occur. He reminded Armstrong that the American people expected some effective action and that right soon. Disturbances on the Louisiana frontier betokened early hostilities. Congress was to as-

[46] Bowdoin and Temple Papers, II, 309.

semble in early session to learn the news from Paris. He suggested another and more vigorous representation to one or both of the recalcitrant governments.

Bowdoin made this suggestion to Armstrong by letter, following the custom he now pursued. On the next day Armstrong replied that he only expected the French government "to rescue the negotiation from the torpor" in which it lay. If Talleyrand should not do this the Americans could not induce Izquierdo to negotiate, and still less to agree to what they wished. Bowdoin ought not to regard France as the leading party to the negotiation; that attitude smacked of the "heterodoxy of Mr. J. Randolph." Such prospects as they had for the negotiation were due to Napoleon. In view of the way he was being criticized in both hemispheres he might well decline to go further. Armstrong felt that this "would be a matter for regret but not for blame."[47] If the negotiation succeeded people would say that he was bought with American gold; if it failed, that he kept Spain from acting so as to assume the principal part himself.

Possibly Armstrong desired to excuse their prospective failure by what he termed irrational public criticism. Bowdoin thought they ought to ignore what was said across the Atlantic. France had more than

[47] Bowdoin to Armstrong, Sept. 8, 1806, Armstrong to Bowdoin, Sept. 9, 1806, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives; Bowdoin and Temple Papers, II, 328.

a passing interest in the relations between Spain and the United States. If she were involved in a war with the latter along with Spain, she would lose her West India colonies and the remnant of her commerce under the American flag. Commercial reasons would lead Great Britain to take the side of the United States and continue the war with France to the bitter end. The reiterated hope of British cooperation suggests the eve of the Peace of Amiens, but the United States was far from being as well represented abroad as on that occasion.

On the evening of September 9, when he penned the above letter Bowdoin received assurance from Erving, based on a statement of Vandeul, that neither Izquierdo nor Masserano had been empowered to treat with Armstrong and himself, and that Godoy did not intend to send such powers. This misinformation completely changed his estimate of the emperor's action. "The saddle should rest on the right back," he wrote, and by this he meant on Parker and the money jobbers whose intrigues with Armstrong, he felt, had done the mischief. He advised Erving to continue his relations with Vandeul so as to obtain further information of conditions at Paris. He was inclined to believe with Erving that Napoleon would act even if the Spanish government would not.[48] Armstrong doubted the reliability of Erving's information, and suggested that

[48] Bowdoin and Temple Papers, II, 325.

it would be more in keeping with Bowdoin's "preaching" and his own "practice" to furnish him with a copy of Erving's letter, so that he could judge for himself.[49]

Bowdoin wished his colleague to join him in a note to Talleyrand that would show that they knew of his agency in holding up the negotiation.[50] At the same time they should jointly ask Cevallos, through Erving, if Spain was going to consider the American propositions. Armstrong, possibly with undue caution, refused to entertain either suggestion. He and Bowdoin were not sure enough of their ground to make such a representation to the French government, while direct communication with the Spanish government would violate their instructions.[51] One might suggest that on a preceding occasion American commissioners, specifically committed to French guidance, had broken their instructions and had gained decidedly thereby. But such was not likely to be the case in the latter part of 1806.

At one time Bowdoin contemplated carrying out his plan alone, but he did not have the courage to

[49] Bowdoin and Temple Papers, II, 329.

[50] Armstrong had contemplated a note to Talleyrand, compelling him to explain the failure to act under the instructions to Izquierdo, but Talleyrand and Duroc dissuaded him. Adams, History of the United States, III, 386. He does not seem to have confided this to Bowdoin.

[51] Bowdoin and Temple Papers, II, 330–336.

follow Jay's bold example. He wrote Monroe that France and Spain were playing the same game that had proved so effective in 1805, but the instructions to himself and Armstrong did not permit them to force Spain to negotiate.[52] That power feared some concession if she did, and steadfastly refused to initiate the necessary parleys, and the French government made no effort to compel her to adopt a contrary course. He told his doubting colleague that if the United States could settle its disputes with Great Britain and join a league of the northern European powers against Napoleon, the league would speedily bring the evasive Talleyrand to terms.[53] In a letter to Erving he pointed out what he considered the whole difficulty. Within five days after Skipwith arrived in Paris with the new instructions, in the preceding May, Parker told him that they "were not relished and would not go down." All subsequent French efforts in behalf of the negotiation were mere pretexts. Armstrong's course was thoroughly contemptible. The whole situation was the legacy of "that old villain from New York [Livingston]."[54]

Shut off from direct approach to the French foreign office, but continually subjected to the importunities of its corrupt agents, Bowdoin naturally attributed to the latter an undue importance. He could not know

[52] Bowdoin to Monroe, Oct. 1, 1806, Lenox MSS.

[53] Cf. note 51.

[54] Bowdoin and Temple Papers, II, 340; see note, p. 73.

that they represented the weakest side of Talleyrand's work, and realized only dimly that the arch plotter himself was then passing from power. Talleyrand preferred a more direct attitude toward the United States. He had no desire to pose as Spain's champion or as an exemplar of directness, but he despised both contestants and believed he could be ruthless in dealing with them. He may also have wished some further hoard to tide over the lean years before him, and sought this in the present negotiations. But Napoleon overruled his schemes for petty plunder as he did his more far-reaching commercial measures by depriving him of all direct agency in the negotiation.

Armstrong suspected the emperor's agency, but he could not definitely interpret it. When on September 25 Napoleon left Paris to wage war against Prussia and took the unwilling Talleyrand with him, Armstrong recognized that there was no immediate prospect of negotiation, and sought a vacation in southern France. Before leaving he thanked the absent emperor, or rather Talleyrand, for his specious interest in the negotiation, as shown in the note of June 4. He also told his doubting associate that Izquierdo had really been empowered to treat with them, but that his powers had been immediately revoked, and instead he had been instructed to initiate parleys for a treaty between Spain and France and Great Britain. If Bowdoin thought that they should send the French government

a vigorous note on the anomalous situation, he suggested that Bowdoin should employ the "greater leisure" in prospect in composing an appropriate draft.[55]

Armstrong's sarcasm did nothing to soften Bowdoin's asperity or to convince him of the truth of his statement. He felt that he had "thoroughly sifted" his colleague's course, and wrote of him to Erving: "His conduct sufficiently speaks for itself." Izquierdo without power to treat had gone to Holland. France was indifferent and Spain obstinate, while both powers disparaged the friendship of the United States and despised its hostility. Left behind in the deceitful atmosphere of Paris jobbery, commended to no person of influence, subject to expenses more than double his salary, it is little wonder that Bowdoin found his diplomatic career anything but pleasant. He could only pour out his woes in a long personal letter to Jefferson in which he castigated with equal fervor the machinations of the stock-jobbers, the dilatory attitude of Spain, and the duplicity of Talleyrand. If the United States attempted to come to terms with France and Spain it might be disappointed in the cardinal points of the negotiation. He therefore advised the president to fortify the western country and be prepared for any eventuality.[56]

[55] Armstrong to Talleyrand, Oct. 15, 1806, same to Bowdoin, Oct. 18, 1806, Spanish Dispatches, MS., IX, Bureau of Indexes and Archives; Bowdoin and Temple Papers, II, 343.

[56] Bowdoin to Jefferson, Oct. 20, 1806, Bowdoin and Temple Papers, II, 343.

CHAPTER VIII

The Shadow of the Corsican

The latter part of 1806 marked a critical stage in American diplomacy. Territorial disputes with Spain were still unsettled. Great Britain multiplied her commercial exactions and her grudging concession to the joint efforts of Monroe and William Pinkney was so unacceptable that Jefferson would not even submit the treaty to the Senate. Napoleon, victorious at Jena and Auerstadt, was determined that there should be no more neutrals, and in December issued from Berlin the decree that intensified the isolation of the United States. Spain became restive under French domination, and in October Godoy ventured to call the nation to arms and to take tentative steps toward a British alliance. For the time being Napoleon ignored this rash move of the upstart puppet, but the latter knew that he was marked for subsequent vengeance.

Bowdoin noted Godoy's restlessness, and this led him, on October 30, 1806, to enquire of Erving whether, "in a certain event, Spain would settle their disputes." This event—the possible defeat of Napoleon—was now the task of the Muskovite rather than the Hohenzollern, but Godoy quickly relapsed

into his former subserviency and lost his chance for independent action. Had he persisted he might have been led into an alliance with Great Britain. Bowdoin perceived this, and advised the immediate seizure of the Floridas, should such an alliance be formed. This would be merely a precautionary measure, and a pretext to justify it could be found in the recent Spanish incursion along the Sabine. Later the report that Casa Yrujo was empowered to treat at Washington—a report that proved to be without foundation—seemed to render further negotiation at Paris useless.[1]

Napoleon's action at this juncture, had Bowdoin but known it, was in keeping with this conclusion. In November, 1806, he sent Eugéne de Beauharnais as ambassador to Spain. Talleyrand, who was now displaying, in token of speedy official demise, his new title, Duke of Benevento, wrote his instructions. He was to prevent the quarrel between Spain and the United States from becoming sharper, but not to assume the role of formal intermediary. "The affairs of France are today in Europe," the ennobled secretary warned him, "those of America are of secondary order."[2]

A confidential memoir of the same month informed Talleyrand that if the United States were forced into the European war, it would probably ally itself with

[1] Bowdoin and Temple Papers, II, 349, 351, 353.

[2] Talleyrand to Beauharnais, Nov. 9, 1806, Archives des Affaires Étrangères, Éspagne, MS., Vol. 670, 413.

England. Federalist attacks upon the purchase and exploration of Louisiana had compelled Jefferson to emphasize the importance of the Floridas. At the same time Spain preferred to check his aspirations by stimulating internal disturbances in the United States, rather than by calling in the aid of France.[3] Beauharnais found that Erving was keeping up a continual complaint against Spain's failure to settle the dispute and was threatening to leave. This threat suggested a possible alliance with Great Britain and the promotion of revolt in the Spanish colonies. Eugéne curtly advised him to adopt more friendly relations with Cevallos.[4]

Across the Atlantic, Turreau, the French minister, watched the situation closely for the first signs of an alliance between Great Britain and the United States. He was also instructed to maintain a good understanding between the latter and Spain, without taking a direct part in the negotiation. He found his influence waning because of illicit commerce between Spain and Great Britain. In order to deal effectively with this and the general diplomatic tangle he advised his government to secure Cuba. France needed it anyhow if she expected to build up a colonial empire in the West Indies. When it was once in her possession she could ward off any danger that threatened from the United

[3] Archives des Affaires Étrangères, États Unis, MS., Vol. 59, 310.

[4] Beauharnois to Talleyrand, Apr. 23, 1807, Archives des Affaires Étrangères, Espagne, Vol. 671, 264.

States. This fact ought to reconcile Spanish pride to ceding it. By giving up one colony it might save all from a common danger that threatened them.[5]

The hopeless situation in which Bowdoin was placed led him to criticise the executive as well as his colleague. He was dissatisfied with the peaceful tone of Jefferson's last message. Furthermore he believed that the president had acted with insufficient energy against Burr and Miranda. Even Merry reported that the latter's expedition was a stumbling-block to the furtherance of the negotiation.[6] Toward his colleague Bowdoin grew more bitter. Armstrong had returned post-haste to Paris when he learned of the Berlin Decree, but, as his colleague expressed it, he thought more of "a salve for past folly" than of the public good. At any rate Bowdoin feared that he still cherished the purpose to put through some sort of land deal with Izquierdo, Parker, and their abettors. Bowdoin also warned Erving to see that Godoy and his confederates did not grant away all the desirable land in Texas and the Floridas, in case they abandoned hope of keeping them.[7] Jefferson, who was greatly

[5] Turreau to Talleyrand, Apr. 10, May 20, 1807, Archives des Affaires Étrangères, États Unis, MS., Vol. 60, 77–82, 111–123.

[6] Bowdoin and Temple Papers, II, 366, 376; Merry to Fox, Nov. 2, 1806, MS., British Foreign Office, America, II, 5, Vol. 49.

[7] Bowdoin and Temple Papers, II, 354–356, 367, 370.

concerned over the lack of harmony between his agents in Paris, had for a time planned to send William Short to act as arbiter between them. Such an appointment would simply have added to the strife already existing there.[8]

In the early part of 1807 Armstrong schemed to get an invitation to Warsaw, where Talleyrand was temporarily located. But he failed in his attempt to get away from his unwelcome colleague. Armstrong had criticised the course of Spain in appointing Izquierdo to treat with them and then withdrawing his powers. At the same time he indicated a complete surrender to the French point of view by stating that the western boundary of Louisiana was now virtually the only point at issue between Spain and the United States. The emperor had expressed his opinion so thoroughly in regard to the eastern boundary that he hoped he would now favor them with his opinion on the western limit.[9] Armstrong was undoubtedly anxious to reach Warsaw before Napoleon made his treaty with the czar. But Talleyrand was too busy with the preliminary parleys at Tilsit to consider such minor matters as American territorial claims, even after Armstrong's abject submission.

Madison promptly protested against Armstrong's

[8] Jefferson to William Short, June 12, 1807, Ford, Jefferson, IX, 69.

[9] Armstrong to Talleyrand, Feb. 5, Mar. 5, 1807, Archives des Affaires Étrangères, États Unis, MS., Vol. 60, 33–35, 69.

deference to the emperor. The Americans were willing to welcome Napoleon's intervention "to promote justice and peace," but they made a distinction between his personal opinion and his authority as umpire. To the latter they were absolutely opposed.[10] Yet Casa Yrujo wrote that a majority of the American people did not support the territorial pretensions of the administration. The latter asserted them simply to gain an advantage in diplomatic bargaining. If Spain protested with moderation the United States would have to give them up.[11] This statement upon the alleged authority of an important member of Congress was not calculated to clear the atmosphere at Paris or Madrid.

Nor did personal missives from Jefferson and his advisers tend to improve matters. "We ask but one month," wrote the former, exasperated at what he termed Spanish "perfidy and injustice," ". . . to be in possession of the city of Mexico."[12] Conditions on the Mobile, according to Madison, were "kindling a flame which was not easily manageable."[13] The American people, wrote Secretary Dearborn, would show

[10] Madison to Armstrong, Oct. 18, 1807, Instructions, MS., VI, Bureau of Indexes and Archives.

[11] Casa Yrujo to Cevallos, Apr. 10, 1807, Legajo 5548, Estado, A. H. N., Madrid.

[12] Jefferson to Bowdoin, Apr. 2, 1807, Bowdoin and Temple Papers, II, 372.

[13] Madison to Armstrong, May 22, 1807, Instructions, MS., VI, Bureau of Indexes and Archives.

little reluctance to a "brush" with Spain. "We could in a very short time," he added, "dispossess His Catholic Majesty of all his possessions north of . . . the Isthmus of Darien. We do not covet their territories or their mines, but they are certainly in our power, as much so as the British provinces of Canada, Nova Scotia, and New Brunswick are."[14] In the course of the next few years Dearborn himself was to demonstrate the inanity of this boast at the head of a division of the American army. Now he could only bemoan the fact that Napoleon had so many more important things to consider that he could not decide what Spain should do. On the contrary Napoleon had already determined that precise thing. Obviously his views did not correspond to the American's hopes, as Armstrong was to discover.

Undeterred by previous rebuffs, Armstrong on June 16 sent to Talleyrand certain "hypotheses" as a basis for ending the protracted and irritating negotiation. Spain might now be willing to part with her territory east of the Mississippi, or she might part with the territory between the Mississippi and the St. Mark (Appalachicola), or with all the territory east of the Mississippi. Upon the first of these hypotheses, the Mississippi and the Bravo were to be taken as the limits of Louisiana following Napoleon's opinion and the decla-

[14] Dearborn to Bowdoin, Apr. 24, 1807, Bowdoin and Temple Papers, II, 376.

ration of Laussat. On the second, the United States would yield the territory between the Colorado and the Bravo for that between the Mississippi and the St. Mark. On the third hypothesis, the United States would pay Spain — millions of dollars and take the Sabine as the western boundary of Louisiana, with a line drawn from its source to include the drainage area of the Mississippi; or the United States would pay a larger sum and take the Colorado. All claims against Spain were to be paid according to the terms of the Treaty of 1802 or in bills drawn on the Spanish colonies.[15]

These unsought advances from Armstrong must have caused Talleyrand to smile even in the midst of the busy days at Tilsit. On July 6 he replied, excusing his failure to answer sooner on account of the important business that had recently engrossed him, and expressing the pleasure that His Majesty felt in seeing affairs between Spain and the United States once more in process of settlement. This letter was hardly what Armstrong wanted, although it was all that he might reasonably expect. A week later, Talleyrand wrote him from Koenigsburg, announcing peace between France and Russia. He was flattered that Armstrong had reposed such confidence in his government. He was pleased that all discussions in regard to the eastern

[15] Armstrong to Talleyrand, June 12, 16, 1807, ibid., 385, 387–389.

limits of Louisiana were abandoned, and he hoped that there would be no wordy discussion in regard to the western limit, where few people were concerned. He believed that the appointment of commissioners to meet at Madrid was a proof of this. His Majesty approved such friendly negotiation and would frown upon a contrary policy. Early in August Armstrong replied that Talleyrand had mistaken his meaning. No negotiation was going on, nor on account of the hostile attitude of Spain was there likely to be any negotiation.[16]

This communication remained unanswered, but it represented the most advanced point in the negotiation since the Spanish government had withdrawn Izquierdo's powers a year before. Champagny, Talleyrand's successor, continued in his footsteps. This was only natural, for Napoleon had definitely determined the pathway for both. The negotiation had now reached the point when the diplomatic burden was to be shifted from West Florida to Texas, as Armstrong had indicated in his latest advances. Yet the uncertainty that still marked the controversy led Napoleon for months to dangle the Floridas before Jefferson's eyes whenever he wished to entice him to support his commercial policy.

Bowdoin viewed with apprehension the treaty between Napoleon and the czar. The failure to include

[16] Bowdoin and Temple Papers, II, 389–393.

England in it was bound to have some influence on the dispute with Spain, but he did not know what. In the latter part of the summer the *Chesapeake* outrage was to complicate American affairs still more. In the midst of the excitement aroused by this the president urged Bowdoin to go to Madrid unless he preferred to return home. Spain had recalled Casa Yrujo and would probably appoint another minister. Evidently the president regarded prospective hostilities with England as an inducement for Spain to make better terms with him. Madison's instructions of that date seemed contrary to Jefferson's advice. He told Bowdoin and Armstrong that the Florida negotiation should be suspended, unless any payment incurred by it could be postponed until after the expected clash with Great Britain. If Bowdoin did go to Madrid, he should try to get more favorable commercial relations with Cuba.[17]

Bowdoin had already notified his colleague that he would leave for the United States as soon as the Spanish business was settled. In order to hasten matters he wished to be presented to the emperor after the latter's return from Tilsit, and asked Armstrong to procure the necessary credentials. This request led to an open break in their relations. Armstrong replied that none but duly accredited ministers could be admitted to the emperor's receptions. Bowdoin

[17] Bowdoin and Temple Papers, II, 396–401, 403, 404.

thought that his peculiar mission entitled him as a representative of the United States to some recognition, and intimated that Armstrong had not properly presented his case or obtained for him an early interview with Talleyrand. Armstrong retorted that he had only conformed to prevalent usage, and twitted Bowdoin with attempting to secure an interview with Talleyrand without his knowledge, when he first came to Paris. The result had been most mortifying to Bowdoin, and he evidently did not relish this reference. As little was he pleased with Armstrong's parting injunction to find some other person upon whom to discharge "the irritations of ill health and ill humor," of which his associate was heartily tired. After receiving this "ill-judged, unauthorized, and abusive letter," Bowdoin determined to trouble the other no more.[18]

By this time Armstrong believed that France would not favor the United States in the negotiation, and this belief probably made him less careful of his colleague's personal feelings. French preparations on the Spanish border now betokened a design to invade the Iberian Peninsula. Bowdoin therefore determined to accept the permission of the administration to retire, but did not leave France without other ill-judged controversies with his unacceptable colleague, who, he believed, had imposed on the president. From Cherbourg he wrote to Erving that the president might

[18] Bowdoin and Temple Papers, II, 401, 407, 409, 416–419, 421.

appoint another minister to pursue the deceptive schemes marked out by "Armstrong and his motley coadjutors," but if so, "a chapter of accidents" rather than "regular and progressive negotiation" would bring success to the United States. He also warned Erving not to commit the "unpardonable sin" of intimacy with Monroe, or to give his confidence too freely to Madison.[19] With this parting advice against domestic intrigue, Bowdoin left Europe, an intensely disappointed man; but he was neither the first nor the last diplomatic sacrifice to the untenable West Florida claim.

Champagny, the successor to Talleyrand, met Armstrong's first advances in a friendly, if somewhat indefinite, spirit. This led the administration at home to anticipate an early adjustment of the vexatious controversy. In August, 1807, Madison suggested that the situation on the Mobile might yet lead to forcible measures, if not satisfactorily adjusted before the next meeting of Congress. In bringing this implied threat to Champagny's attention, Armstrong explained it as partially due to the prospective *rapprochement* between Spain and Great Britain. At all events the United States must be ready to prevent the latter power from acquiring the Floridas.[20]

[19] Bowdoin and Temple Papers, II, 406, 412, 426, 433, 443.

[20] Cf. note 13; Adams, History of the United States, IV, 306.

Early in February, 1808, the emperor was ready to take final measures against the Bourbon monarchy in Spain. He then intimated, through Champagny, that the Americans had his permission to occupy the Floridas, provided they first declared war against England. If they openly became his allies, he might induce Spain through his influence to consent to the arrangement. His evasive promise was evidently designed to tempt the United States to adopt a general commercial policy favorable to himself. When Armstrong tried to bring out this purpose more clearly, the emperor retorted, on February 11, by scolding the American minister for his country's subserviency to Great Britain. The disgusted Armstrong then advised the administration to select either France or England as its chief enemy, but to seize the Floridas at once.[21] On May 2, after a delay that was more than seemly, Madison's instructions assumed a mildness that little comported with Armstrong's advice. The United States, he said, had no reason to suppose that the emperor would approve the seizure of the Floridas. The secretary advised Armstrong to assure the emperor that they "had chosen as the bases for their policy a fair and sincere neutrality among the contending Powers," which they were unwilling to abandon "for the purpose of obtaining a separate and particular object, however interesting to them." Yet they might be led

[21] Adams, History of the United States, IV, 293–295.

by British hostility to occupy the Floridas, and in that case were pleased to know "that the measure received His Majesty's approbation."[22]

Possibly the failure to settle commercial and other disputes with Great Britain accounted for the complaisant attitude of the administration. But Napoleon needed something more than special missions, with which he had already been sufficiently favored; or a general embargo—for that measure of retaliation was now in force—to serve his immediate purpose in the American colonies of Spain. When at Bayonne late in June he received the substance of Madison's missive, he determined to humiliate the minister who dared to transmit it, even if he could not directly affront the secretary who wrote it. He directed Champagny to inform Armstrong that the latter had misunderstood his previous communication. He would not approve the occupation of the Floridas by the United States, even in case of British attack, unless the king of Spain, now his brother Joseph, permitted or requested it.[23]

An unsigned minute, dated at Bayonne on June 30, was in keeping with this declaration. It stated that His Majesty, presumably Joseph Bonaparte, proposed to follow the system of "good understanding and strict friendship" which Spain had always observed toward the United States. Yet, as if to leave the American

[22] Adams, History of the United States, IV, 306.
[23] Ibid., 311.

some faint hope, he promised on his arrival in Madrid to appoint a representative to confer with Armstrong upon the outstanding disputes.[24] From this vague and obviously inspired despatch, possibly an indirect result of the "Dos de Mayo," the impatient Armstrong derived no comfort and advised his own recall.

Nor did Turreau, across the Atlantic, afford the administration any greater comfort. Armed with instructions similar in tone to the message of Champagny to Armstrong, he obtained late in June an interview with Madison. He was unable to influence the secretary with his tantalizing offer of the Floridas. Nor did he succeed better with Jefferson, who met him with a long list of unfriendly acts committed by his government. He answered the president's strictures on the Florida imbroglio by saying that the negotiation ought to fail. The laws of Spain did not permit any alienation of territory, and France could not lend itself to an attempt to plunder an ally. The United States offered no adequate compensation for the desired cession. If England attempted to occupy it and thus threatened Louisiana, the Americans should unite with Spain against their common enemy without any regard to disputed limits.[25] This affectation of virtue seemed to silence for the time being the president's complaints.

[24] Legajo 5542, Estado, A. H. N., Madrid.

[25] Turreau to Champagny, June 28, 1808, Archives des Affaires Étrangères, États Unis, MS., Vol. 61, 166.

Turreau devoted his despatch, a few days later, to the reputed views of Madison. Like Jefferson, the heir apparent of the administration seemed determined to secure the Floridas. Such a purpose filled Turreau with alarm. "The cession of the Floridas," he wrote, "soon or late will be a mortal blow to the Spanish possessions in America. It will remove all hope of a new arrangement with the generous Louisianians who scarcely bear the American yoke and who wish to preserve their attachment for France." After indicating the common interest of his own country as well as Spain in this territory, he went on to say that if France must make the sacrifice, she should first force Spain to cede the territory to her and then carry on the negotiation with the United States. If then obliged to abandon the Floridas, France should employ all possible means to counteract the effect of this act. The cession of Cuba to France, the surrender of a portion of the right bank of the Mississippi to Spain, the free navigation of that stream, special commercial privileges for a term of years, a large money indemnity with the renunciation of all commercial claims, an American alliance against England—these were some of the factors that might be used to counterbalance the loss of the Floridas. In any case the Americans must not know of the cession of Cuba to France until the Florida question was settled.

Turreau advised the abandonment of the Floridas

because he was sure Great Britain had already offered to conquer and cede them to the United States. The French government must be willing to make a similar cession, or at least be willing to give up the commercial duties at Mobile. Jefferson's harping on that subject had evidently impressed Turreau and caused him to reverse his previous advice. But he felt that Napoleon must do something to keep his influence over Madison and at the same time insure the latter's popularity as a presidential candidate. The French minister was dangerously near meddling in domestic politics, but his predecessors afforded him more than one precedent for his course.[26]

Of a contrary tenor were a series of contemporary memoirs prepared by the traveler C. C. Robin. He pointed out the desirability of securing the Floridas for France, in case "notable changes" should occur in Spain. The French might occupy that region, possibly by corrupting Folch and his fellow-officials, and then use it as a base of operations against the United States or Spanish America. In this way alone could France exert proper pressure in Louisiana and restrain the pretensions of the Americans.[27] The suggestion reverts to the French policy in the Mississippi Valley during the previous decade.

The Emperor of Western Europe, apparently su-

[26] Turreau to Champagny, July 3, 1808, ibid.

[27] Archives des Affaires Étrangères, Espagne, MS., Vol. 676, 198.

preme in his chosen field of action, needed neither memoir nor ministerial note to determine his policy. His former ally, Charles IV, having abdicated the regal power that he had exercised so ill, was now his abject hostage. The miserable Prince of the Asturias, recently proclaimed Ferdinand VII, was likewise a pitiful French captive. Spain lay helpless before him. In the distance beckoned a still more tempting prize—her American colonies. He might insure himself a free hand there if he could involve the United States in hostilities with Great Britain. At any rate he desired its neutrality. The Floridas would be a cheap price to pay for either contingency. For many years Napoleon had used the coveted territory as a bait; now he proposed to let the president swallow it, hook and all. But he distinctly warned him to behave circumspectly with reference to the other Spanish colonies.

Scarcely five years had passed since Napoleon Bonaparte had planned to establish a colonial empire in the region about the Gulf of Mexico. The persistent revolt of the blacks in Santo Domingo had then defeated his purpose. Now the uprising of the Spanish people defeated his second attempt at American dominion and led to consequences which even he could not foresee. In retrospect we may note that the famous "Dos de Mayo" marked the beginning of the end of Bourbon rule in the New World, as well as the decline of

Napoleon's power. In common with the other portions of Spanish America, West Florida was bound to feel its influence and thereby increase the concern of its northern neighbors.

To Jefferson the rising of the Spanish people seemed to present another opportunity to gain the Floridas. The revolt, it is true, did not greatly arouse his sympathy. His "pursuit of Florida," to quote Henry Adams, had enmeshed him too completely for that. He rather expected England to make up with the United States, while Bonaparte was occupied with Spain. Then without committing himself to either contestant, he expected to seize the territory to the Perdido as a rightful possession and "the residue of the Floridas" in lieu of his commercial claims against Spain. His policy was wholly selfish. Moreover the increase in the army that Congress had just authorized would give him the means to carry it out. He proposed to gather the new recruits and armed vessels at strategic points, ready to act as soon as Congress should give its consent. There was already a sufficiently large American force near Baton Rouge to overcome its slender garrison. The embargo afforded him the necessary pretext for stationing other troops on the St. Mary's and the Tombigbee for the seizure of Mobile, Pensacola, and St. Augustine.[28]

[28] Ford, Jefferson, IX, 203; cf. my article on "The Pan-American Policy of Jefferson and Wilkinson," in Quarterly of the Mississippi Valley Historical Association, I, 212–239.

Early in September popular sentiment, according to Gallatin, seemed generally to favor the Spanish patriots.[29] The victories of the latter over the French rendered Napoleon less formidable, but increased the possibility that England might become the protector of the Spanish colonies. With this in mind the Cabinet agreed, at its meeting on October 22, not to interfere with these colonies if they wished to remain under nominal Spanish control, but to oppose their incorporation with England. Claiborne was authorized to express this sentiment to any of the neighboring colonial officials, while assuring them of warm friendliness. "We consider their interests and ours the same," the president added, "and that the object of both must be to exclude all European influence from this hemisphere."[30]

General Wilkinson supported this new Pan-American policy with enthusiasm. On August 25, 1808, he warned Folch that Spain was bound to succumb to Bonaparte. This would give the Spanish colonies an opportunity to declare their independence, or at any rate present to them the necessity for defending themselves, and in either event Folch was destined to play an important part. He later warned Folch against dependence upon Great Britain. That power could not

[29] Jefferson Papers, MS., Series 3, Vol. 7, No. 71, Library of Congress.

[30] Writings of Jefferson (Memorial edition), XII, 186.

save them or the mother-country from Napoleon, but was planning ultimately to exploit both. "My country," he generously wrote, "must undoubtedly sympathize with Spanish America and if called on will help her." But he added: "In the meantime save your province from any European power and let Someruelos take care of Cuba which may slip into the hands of a false friend."[31]

It will be noted that the new spirit of friendliness for the Spanish colonies was accompanied by a renewed fear of British aggression in the neighboring Floridas. Wilkinson emphasized this in a letter to Jefferson. Expressing the "liveliest hopes" in the speedy emancipation of Mexico and South America, and mentioning the desirability and necessity of an "excision of our transatlantic connections," he regretted the credulity with which the "feeble, uninformed Spaniards" were surrendering themselves to "the interested officious interference of the British." Agents should be sent to warn them against these "insidious encroachments" and to assure them of American sympathy. He offered to convey such a message to the Marqués de Someruelos, whose femininity and "feeble intellect" might otherwise enable

[31] Wilkinson to Folch, Aug. 25, 1808, enclosure in Folch to Someruelos, reservado, Jan. 26, 1809, Legajo 1566, Papeles de Cuba. The same material is in Legajo 5559, Estado, A. H. N., Madrid.

the British to "cajole or frighten him" out of Cuba and the Floridas.[32]

Possibly Wilkinson was led to propose this "seasonable counteraction" from wholly selfish motives. He told his patron that he longed for "some interesting appointment" that would enable him "by irrefragible evidence to strike dumb" his annoying "slanderers and revilers." Yet he continued to assure Folch that he and his fellow-officials might count on the assistance of the United States. When reporting his proposed mission to Havana and Pensacola, in consequence of his orders to assemble in New Orleans "as large a body of troops as possible," he again warned Folch that the "magnanimous sons of the Peninsula" would find the armies of Bonaparte, backed up by those of Alexander, irresistible. The only hope for the Spanish colonies lay in their union and subsequent alliance with the United States. In these movements Folch's "surpassing talents in political science" should receive adequate recognition.[33]

Wilkinson's patronizing air nettled Folch no less than his predictions regarding Spain. The proposed mission to Havana and Pensacola caused him and Someruelos serious misgivings. Wilkinson's statement that he was to assemble seven thousand men in New Or-

[32] Wilkinson to Jefferson, Oct. 1, 1808, Jefferson Papers, MS., Series 2, Vol. 85, No. 109, Library of Congress.

[33] Wilkinson to Folch, Nov. 5, 1808, Legajo 1566, Papeles de Cuba.

leans aroused their profound alarm. Although the number reported by the newspapers was only four thousand, even this was sufficiently disquieting. Pretexts for this unexampled increase in military strength on the Mississippi were not lacking. The embargo was to be more strictly enforced; the Burr conspiracy was reviving; the British were to send a squadron from Halifax to the West Indies, obviously to occupy the Floridas. The Spaniards felt that these newspaper rumors were designed to conceal the real purpose of their unquiet neighbors—to seize the Floridas for themselves.

Folch had already noted increased activity among the New Orleans militia. Other military measures convinced him that the American government had sold itself to France in return for a promise of the Floridas and Canada. The presence in the United States of French agents, who were later to visit the Spanish colonies, and the rumor that Napoleon was indifferent to the fate of the Floridas or to the independence of Spanish America, tended to strengthen this impression.[34] The English representative even told him that the American government had refused the advances of a revolutionary party in Cuba, because they expected to gain that island from Bonaparte.[35]

[34] Folch to Someruelos, Jan. 26, 1809, Legajo 1566, Papeles de Cuba.

[35] Erskine to Canning, May 4, 1809, British Foreign Office, MS., America, II, 5, Vol. 63.

Under the circumstances loyal Spaniards everywhere viewed with suspicion the new protestations of American friendship. Folch and his advisers particularly distrusted their former pensioner. Folch wrote that if he did not know Wilkinson so thoroughly he would not encourage his proposed visit to Pensacola. As it was he might gain from him some information that would prove serviceable in this crisis. Someruelos warned Folch to be very circumspect in his dealings with "No. 13," with whom in less critical times "His Majesty had some relations."[36] The Council of the Regency at Seville regarded Wilkinson with suspicion because of his recent part in Pike's expedition. His ambition might lead him to excite insurrection in the Spanish provinces.[37] Foronda at Baltimore and Vidal at New Orleans reinforced these suspicions, and the British government, upon application from its ally, instructed its new representative, Francis James Jackson, to make the necessary protests to the American government.[38] Wilkinson, the new apostle of Pan-Americanism, seemed destined to attract as little honor outside his country as within its borders.

Nor were the Spaniards silent in regard to the more

[36] Someruelos to Folch, Feb. 28, 1809, Legajo 1566, Papeles de Cuba.

[37] Apodaca to Garay, June 9, 1809, Legajo 5559, Estado, A. H. N., Madrid.

[38] Apodaca to Canning, May 18, 1809, MS., British Foreign Office, Spain, Series 72, Vol. 84.

threatening perils that his mission portended. Cevallos, in the name of the Regency, told Erving that any attempt by the French to sell the Floridas to the United States would be absolutely null and would be insulting to his nation. Erving assured him that there was nothing of the sort under way, and as proof presented a newspaper item to the effect that the appropriation for this purpose was now to be used for the Dutch debt.[39] The colonial authorities, including Folch, were warned, in case of hostilities, to avail themselves of all possible means to seize Louisiana. Foronda, encouraged by the reports of the recent Spanish victories, asked Madison to explain why the administration planned to concentrate 4000 men in New Orleans. He expected only an "oracular response" from the secretary, nor was he disappointed. But he and his fellows of the consular service thoroughly warned the frontier officials against Wilkinson. Foronda also mentioned to Someruelos another of Jefferson's emissaries, "the assumed consul Anderson." He hoped the captain-general would refuse to receive them, for neither had a passport from him.[40]

It was by conduct of this same Anderson that Wilkinson informed Someruelos that he was coming to confer "on subjects of interest to our respective gov-

[39] Legajo 5549, Estado, A. H. N., Madrid.

[40] Foronda to Captain-General of Cuba, Jan. 6, 20, 1809, Legajo 1708, Papeles de Cuba.

ernments." His progress, as usual, failed to keep pace with his predictions. He embarked from Baltimore late in January, 1809. Touching at Norfolk, he was there tendered a public dinner at which he gave the toast, "The New World, governed by itself and independent of the Old." This, as was to be expected, aroused the sensibilities of both Foronda and Turreau. Detained by bad weather at Charleston, he did not reach Havana, on board the sloop of war *Hornet,* until March 23. Here he found in progress a series of riots against the French. So great was popular resentment against all foreigners that Wilkinson secured but one interview with Someruelos. On this occasion he presented the latter an unsigned note which the captain-general answered on the 30th. Three days later Wilkinson continued his voyage to Pensacola.[41]

The brief interview and the note constituted, if we may trust the captain-general's account, his sole dealings with Wilkinson. We may attribute the contents of the missive to Jefferson rather than the general. It began by expressing sympathy for Spain in her struggle for independent existence and regret that the police regulations necessary to enforce the embargo had inconvenienced "innocent neighbors." After this introduction of marked friendliness there

[41] Wilkinson to Someruelos, Feb. 22, 1809, Someruelos to Garibay, Apr. 7, 1809, Legajo 1708, Papeles de Cuba; also Legajo 5543, Estado, A. H. N., Madrid.

followed the statement that Wilkinson was to reinforce New Orleans for the sole purpose of protecting recognized American territory. The United States neither intended nor desired to usurp any region occupied by Spain. For the present it would not even reopen its claim to West Florida. But if an "inimical power" attempted to use that territory in attacking the American possessions on the Mississippi or in disembarking troops in East Florida, then the United States would "regard itself as authorized (without any hostile view against Spain or its interests) by well-known principles in time of war, and by natural law and the law of Nations, to oppose such an attempt by all possible means; counteracting the designs of its enemies by such movements and seizures as circumstances should dictate." Such was the message that Wilkinson was charged to deliver in the "true spirit of conciliation and good will."

Jefferson's combined condolence and threat exerted little effect on the captain-general. He had been sufficiently schooled to meet it by Folch and Foronda. He informed Wilkinson that his missive suggested momentous diplomatic questions that only those "especially appointed for the purpose" could discuss. He mentioned the ruin that threatened most European peoples and warned against trusting the unnamed Corsican. With his note he enclosed a proclamation that he had lately used to arouse the people of Cuba. Thus

he foiled Wilkinson's attempt either to seduce or to frighten him. At the same time he sent to Mexico a call for help that caused the officials there to redouble their defensive efforts and to adopt at their chief seaports a more intolerant attitude toward foreign commerce.

Wilkinson's widely heralded journey gave rise to another incident in the perennial Mobile controversy. The American schooner *Victoria,* carrying supplies for the Indian factory at St. Stephens, was detained at Mobile because she also bore a quantity of powder and lead for troops at Fort Stoddert. In default of a higher executive officer, the factor, George T. Gaines, asked Judge Toulmin to secure the release of the vessel and goods. The new commandant received Toulmin's advances with courtesy, and permitted the vessel to proceed after storing the powder and lead at Mobile, and shortly after gave the same permission to another vessel loaded with military stores. Folch released even this ammunition upon receiving Toulmin's assurance that "it was intended for the Indians." He avoided arousing the resentment of the Indians at a possible failure to receive their supplies, and gave the Americans no further cause for such suspicious movements as Wilkinson's coming.[42]

The general did not find Folch at Pensacola when he reached there early in April, 1809. The governor

[42] Toulmin to Madison, Feb. 25, 1809, Madison Papers, MS.

had already gone to Baton Rouge, the anticipated scene of danger, just as he had done in 1804 and 1807. The general immediately proceeded to the mouth of the Mississippi, and wrote the new secretary of war that "the awfully critical situation of Spanish America imperiously enjoins it on us to strengthen this feeble, remote, and exposed quarter." He may have felt that Great Britain's forces in the West Indies constituted a serious menace, for he offered to seize West Florida before that power could do so. Perhaps he was merely expressing his resentment at the apparent failure of his mission; or in view of that failure was trying to secure himself with the new administration. He did suggest that such a seizure might "affect Cuba and Mexico to our injury."[43] Certainly neither would ally itself with the United States after such a forcible act. Great Britain might even venture to forestall further hostilities of the sort by occupying Cuba herself.

The delays that hampered Wilkinson's progress may have caused the president to doubt his ultimate success. At any rate he determined to let the Spanish authorities know how benevolent his sentiments were toward them as he quit office. Possibly he could at the same time determine the policy of his successor. He accordingly furnished Claiborne with instructions similar to those borne by Wilkinson. The two men were

[43] Wilkinson, Memoirs, II, 344–349.

thus associated in the new propaganda, but the younger was not, as on former occasions, left largely in the dark as to his elder colleague's aims and purposes. In fact he was surprisingly prepared for the part he was to play. Before receiving the president's instructions he wrote Secretary Madison, on March 19, 1809, that two officers, whom he regarded as spokesmen for Folch, had told him that they thought their country must shortly yield to Bonaparte. In that case the Spanish colonies would declare their independence.[44]

The incident may represent Folch's method of testing the earlier cryptic utterances of Wilkinson. If so, Claiborne's first reactions were not illuminating. Nor did the vice-consul, José Vidal, succeed better. He noted the continuous arrival of American recruits at New Orleans. He knew that Wilkinson was on his way thither and that he purposed to call on Folch and Someruelos. But it was impossible to learn the import of these movements. He could only surmise that the United States was anxious to cultivate friendly relations with the Spanish colonies, in order to forestall Great Britain. He felt that the American officials were wholly under French influence, and that in this way they hoped to acquire the Floridas and make sure of their hold on Louisiana. Other-

[44] Claiborne to Secretary of State, Mar. 19, 1809 (Parker, 7560).

wise Great Britain might enable Spain to keep the one and recover the other.

Late in March, in keeping with Jefferson's instructions, Claiborne called on Vidal and explained the mystery. The United States desired a friendly alliance with the Spanish colonies. Vidal thanked Claiborne for his friendly overtures and promised to transmit his message to the Mexican viceroy. Although not empowered to discuss these matters officially, he ventured to remind the other that the Spanish colonies would never forget the heroic efforts of England in behalf of the mother-country.[45]

Claiborne fared somewhat better with Folch. In April the New Orleans executive was at Pointe Coupée, opposite Baton Rouge. Folch was then at the latter place and immediately invited the other to dine with him. The American is our only authority for what took place, for Folch himself evidently did not report this interview to Someruelos. Yet we may be certain that Claiborne represents the Spaniard's views with reasonable accuracy. According to him, Folch thought that Spain still had a chance to oppose Bonaparte. In any event, the colonies, especially Cuba and Mexico, would never recognize a dynasty that he supported, but upon the first intimation of Spain's fall would proclaim their independence. Folch professed

[45] Vidal to Garibay, Apr. 10, 1809, Marina, 1809–1814, A. G., Mexico.

to believe that the Floridas must inevitably pass into the possession of the United States, for they were of value only to that power; but he voiced the resentment of the Regency over the report that Joseph Bonaparte proposed to sell them to the United States.

Folch assured Claiborne that Spain desired to cultivate friendly relations with the United States. He also referred to her debt of gratitude to Great Britain. Perhaps this was his way of intimating that the United States might profit more from the friendship of these two powers than from its former subservience to France. Claiborne stated that it was not the policy of his country to interfere directly in European affairs. Noting how interested his government was in Spain's struggle for independence, he said that it would acquiesce in her continued control over Cuba and Mexico; but it earnestly desired to exclude all European, and particularly British and French, influence from this continent. These expressions, accompanied by appropriate disavowals, apparently gave Folch all he needed to know of Jefferson's purpose in regard to the Spanish colonies.[46] At the same time he had aroused American expectations in regard to the Floridas, and to these in some degree he was later to be a vicarious sacrifice. In this respect his attempted finesse overreached itself, but for the time being he parried unwelcome overtures from his neighbors.

[46] Claiborne to Smith, Apr. 21, 1809 (Parker, 7567).

Wilkinson's long delay in reaching New Orleans made his part in Jefferson's plan a distinct anticlimax. His interviews with his former friends, Vidal and Folch, were as fruitless as his brief visit to Havana. To Vidal he reported the substance of his communication to Someruelos, which did not differ materially from what Claiborne had already told the vice-consul about the views of the American government. Vidal insisted that Spanish America would follow the lead of the mother-country and maintain friendship with Great Britain. Wilkinson seemed ready to accept that power as a member of the proposed Pan-American alliance. In this concession Vidal believed that Wilkinson spoke for the administration.[47] It is likely that he was looking out for his personal interests as well. The Spanish authorities already knew that they had nothing to fear from Wilkinson's undisciplined levies in New Orleans, now rapidly being decimated by disease. His enemies were using the condition of these forces to renew their attacks upon him. He must therefore employ every possible means to strengthen his tottering influence. To the administration he proposed a comprehensive plan for the immediate occupation of West Florida and the defense of New Orleans. Thus he would recommend himself to his superiors, if they still pursued Jefferson's de-

[47] Enclosure in Vidal to Garibay, Apr. 10, 1809, Marina, 1809–1814, A. G., Mexico.

vious policy.[48] With the Spaniards he determined to urge the feasibility of combining Anglo-American and Spanish-American influences. By means of some glittering generalities of this sort he might persuade his friend Folch to take some compromising step. Then, whatever the outcome of the wider plan of alliance, Folch would probably have to deliver the Floridas to the United States. Such a consummation would enable him to defy his most persistent foes.

In pursuit of his plan, therefore, Wilkinson held his last series of interviews with Folch at New Orleans in April and May, 1809. He has given us two accounts of these, but we may accept the first as being the more likely. It has the merit of being in keeping with the contemporary report of Claiborne, and is, in itself, significant in view of Folch's later relations with the American government.

According to the American general, Folch fully expected Bonaparte to subdue Spain. He desired to obtain an order from the existing national Junta for the delivery of West Florida to the United States, and requested Wilkinson to loan him a swift despatch vessel to send to Cadiz for that purpose. In case the Junta should already have succumbed to the French, he proposed to apply to the viceroy of Mexico, with whom he had some influence, for conditional authority

[48] Wilkinson to Secretary of War, Apr. 13, 1809, Wilkinson, Memoirs, II, 344–349.

to surrender his province to the Americans. Then after a short pause, he added: "Now I will open my Heart to you—If they do not listen to me, I shall consider myself abandoned by me [my] Country, and will make direct application to the President of the United States—I mentioned to Him the views of the British to Florida. That grows out of the corruption of their understanding. What do they want it for? to go to War with you? they shant have it, for it is as necessary to the United States, as the drawer to the Case."

After cautioning Madison to treat this information with "entire reserve," Wilkinson hinted that the United States might obtain "prompt possession" of West Florida by "an indemnity" to its leading officials.[49] This is a suggestion more in keeping with the general's character than with Folch's. The latter's own letters express thorough loyalty to Ferdinand VII. His subsequent course certainly shows him to have been in no sense a champion of Spanish-American independence. Yet it is probable that the reports of Wilkinson and Claiborne about his willingness to deliver West Florida may have some foundation, for later he actually made such an offer. For this reason, when the offer came, it aroused extravagant hopes on the part of the administration. On the

[49] J. W. to Madison, May 1, 1809, Madison Papers, MS.; a variant copy is in Miscellaneous Letters, MS., Vol. 38, Bureau of Indexes and Archives, filed under the year 1813. Cf. also Claiborne to Smith, May 14, 1809 (Parker, 7567).

other hand it is equally probable that while conferring with them, the Spaniard knowingly conveyed more than his real views. He despised Claiborne and distrusted Wilkinson, and may have thought himself justified in deceiving them and the government they represented. From it, if not from its immediate agents, he apprehended the most threatening peril to his dominions.

Folch's letters from New Orleans seem to show that Wilkinson's mission was simply to reassure him upon this point. The general gave him a statement, similar to the one already given Someruelos, which explained the assembling of American troops at New Orleans. Folch admitted that this movement had caused him some anxiety, appreciated the good intentions of the United States, and assured Wilkinson of his own friendliness. When, however, he returned to Pensacola, he unbosomed himself to his superior. He then showed that he regarded Wilkinson's elaborate explanation of the presence of troops in New Orleans as a pretext suggested by Jefferson to conceal his real purpose—the opening of diplomatic relations with the Spanish colonies.[50]

In reporting Folch's course to his superiors, Someruelos criticized him for venturing to discuss such

[50] Wilkinson to Folch, May 3, 1809, Folch to Wilkinson, May 4, 1809, Folch to Someruelos, May 23, 1809 (Robertson, 5168–5170).

delicate subjects with the Americans. He had advised him, he reported, to shun this course in the future, for the Americans simply desired to draw out his views in order to turn them to their own advantage. He should uniformly reply to suggestions of independence and alliance that Spaniards would die to preserve the union of the two Americas with Spain.[51] Notwithstanding his firm tone, we may readily believe that he foresaw the crisis of the next year and wished to avoid any responsibility for it. Folch likewise apprehended this crisis, and may have aroused the hopes of the Americans in regard to his province so as to establish his influence with them in case of dire need. When the crisis actually came, more than a year later, he was able to invoke the aid of American officials to save Mobile from filibusters and at the same time escape the peril of disloyalty. Folch did not spend twenty years on the Florida frontier in vain.

Wilkinson had failed as a diplomat, but he might still retrieve his reputation as a general. On May 12, while Folch was still in the city, and while his own force was daily falling into greater disorganization, he sent to the secretary of war an elaborate plan for the defense of that area. West Florida constituted the danger point and he recommended its capture. A week later, after the Spanish governor had departed,

[51] Someruelos to G. F. O., Oct. 8, 1809, Legajo 157, Papeles de Cuba.

but before he had reached Pensacola, Wilkinson reported that a threatened "commotion" in that city was likely to overwhelm Folch, either "by the usurpation of the Spanish subjects or by the enterprise of the American settlers." The Spaniard might call upon him for assistance, and he wished instructions to cover the case at the earliest possible moment.[52] In reply the secretary of war wrote him, July 22, 1809: "It is the continued wish and instruction of the President that no interference of any kind in the affairs and territories of Spain should take place, or be encouraged, or permitted, by any person or persons, whether civil or military belonging to or under the authority of the United States."[53] Some weeks later public outcry, caused by the ravages of disease among Wilkinson's green levies, and his own manifest incapacity forced the administration to order him before a court-martial. Thus ended in utter fiasco an effort that may be termed the first Pan-American mission.

The dictum of the administration concerning interference in the Spanish colonies, including West Florida, seemed final. To account for it we must review the course of events in Washington since Jefferson had provided for Wilkinson's mission. The president did not wholly rest his hopes of the Floridas on a Pan-American alliance, as was shown in his letter

[52] Wilkinson, Memoirs, II, 351.

[53] Ibid., 357.

to Monroe, January 28, 1809. He believed, though unwillingly, that Napoleon Bonaparte would subdue Spain. France and England might then relax their exactions on neutral commerce, in order to monopolize the Spanish colonies. At any rate Napoleon planned to do so and might try to secure the neutrality of the United States by repealing his decrees and offering the Floridas.[54] He thus implied that he was willing to profit by the Napoleonic intervention, even while urging the Spanish colonial authorities to unite with him in excluding it and British influence from this continent. But a few weeks later he wrote Dupont de Nemours: "All these concerns I am now leaving to be settled by my friend, Mr. Madison."[55]

That was precisely what Jefferson could not do. He could not forbear meddling with a negotiation that had so thoroughly engrossed him. On April 10, 1809, he wrote his successor: "I suppose the conquest of Spain will soon force a delicate question on you as to the Floridas and Cuba, which will offer themselves to you. Napoleon will certainly give his consent without difficulty to our receiving the Floridas, and with some difficulty possibly Cuba." Eight days later he added: "Napoleon ought to conciliate our good will because we can be an obstacle to the new career opening to him in the Spanish colonies." The

[54] Writings of Jefferson (Memorial Edition), XII, 240.
[55] Ibid., 259.

Floridas alone would not be a sufficient reward for American neutrality. The United States would acquire them anyhow at the first outbreak of war and until then did not need them. Napoleon must also let the United States acquire Cuba, if he wished a free hand in Mexico and the remaining colonies. In case Napoleon continued his commercial exactions, as Jefferson wrote W. C. Nicholas, the people of Cuba and the Floridas might proffer themselves to the United States.[56] The situation had greatly changed since the preceding autumn. Then neither France nor Great Britain showed any disposition to compose her differences with the United States. Now Madison thought that the former was inclined to be more conciliatory. If, then, Napoleon should attempt to keep the United States from trading with the Spanish colonies, as he had formerly done with Santo Domingo, and should couple this requisition with an offer to cede the Floridas, it "would present a dilemma not very pleasant."[57] Evidently Madison was less ambitious than Jefferson, or possibly more scrupulous. At any rate Turreau did not keep him waiting long for a "dilemma."

The French minister was incensed at the repeal of the embargo. Without an accompanying declaration of war against England, he regarded this proceeding

[56] Writings of Jefferson (Memorial Edition), XII, 273, 277.
[57] Hunt, Madison, VIII, 53.

as a pro-British measure. The operation of the Non-Intercourse Act strengthened his conviction, and he prepared for a diplomatic rupture. He threatened such a break by withdrawing from Washington, without paying his respects to the new president. From Baltimore, on April 15, he directed an informal note to Robert Smith, the new secretary of state, asking him to explain some current rumors affecting Napoleon's other pet hobby—the Spanish colonies. The French minister professed to believe that these reports were circulated by those who wished to sever the harmony existing between his nation and the United States, yet he had reported them to his court and awaited with interest an explicit answer from the American authorities.[58]

Turreau had already charged the new administration with a desire to gain the Floridas, just as the preceding one had gained Louisiana.[59] Now he told Champagny in his dispatch of April 22 that the concentration of American troops in New Orleans under Wilkinson was part of a scheme to cooperate with a party in the Floridas favoring independence. He credited the American authorities with inciting secret assemblies there and in Cuba similar to those that Miranda had attempted to organize at Caracas. The

[58] Turreau to Smith, Apr. 15, 1809, Archives des Affaires Étrangères, États Unis, MS., Vol. 62, 123.

[59] Archives des Affaires Étrangères, États Unis, MS., Vol. 62, 13, 79, 81.

administration, according to an anonymous note, which he attributed to a clerk in the State Department, was sending revolutionary agents to both localities and also to Mexico. Wilkinson's toast at Norfolk and his visit to Havana were in keeping with this policy. The only remedy was for France to seize Cuba immediately. The riots against the French on that island, riots that had interfered with Wilkinson's mission, would afford sufficient pretext for that action. Having forestalled the Americans there, the French might later occupy the Floridas and Mexico.[60]

Could Madison have perused this dispatch, he would have been still more thoroughly confirmed in his belief that Cuba would "be a cardinal object with Napoleon." But desiring above all things to avoid a rupture with France, he requested Gallatin to visit the minister, on his way northward, and explain the real sentiments of the administration. Evidently Gallatin believed that the president's views were the same as his own; otherwise, it will be difficult to reconcile them, as reported by Turreau, with Madison's later action.

Gallatin told the French minister that the administration disclaimed all responsibility for Wilkinson's utterances. They were to be attributed to "the vanity, the indiscretion, and the ordinary inconsistencies of that General," whom the other knew as well as they.

[60] Archives des Affaires Étrangères, États Unis, MS., Vol. 62, 121, 122.

If Turreau imagined that Mr. Madison desired the Floridas, he was mistaken. That was Mr. Jefferson's hobby, but did not represent the views of his cabinet. The Floridas would be desirable only because their possession might prevent misunderstandings with Spain and secure an outlet for the southern States. The administration was in no way responsible for such popular meetings as had taken place there. As for Cuba, the United States would not take it as a gift.[61]

Gallatin's assurances evidently failed to convince the other. In reporting them he called the attention of his superiors to the fact that they were accompanied by no favorable action in regard to commercial policy. At the same time Secretary Smith instructed Armstrong at Paris to say that while the general policy of the United States was to preserve neutrality toward the Spanish colonies, it would feel free to act otherwise, if necessary to preserve its territorial claims.[62] When the Erskine agreement resulted in a fiasco, Jefferson wrote Madison that if Bonaparte were wise enough to change his attitude toward the United States he must inevitably lead it to declare war against England. In that event he advised the immediate occupation of Baton Rouge in order to forestall the

[61] Adams, History of the United States, V, 37, 38.

[62] Smith to Armstrong, May 1, 1809, Instructions, MS., VII, Bureau of Indexes and Archives.

British. Our claim to this territory would justify the step.[63]

Inconsistencies thus characterized Jefferson and Madison's commercial policy toward Spanish America and even toward the neighboring West Florida. Jefferson was ready to assist a revolt in the Spanish colonies should Bonaparte dominate Spain. For this he expected the Floridas as his reward; hence, his desire to open diplomatic relations with them, even through the untrustworthy Wilkinson. At the same time, if Bonaparte should pursue a more favorable commercial policy toward us, he might purchase our neutrality in respect to his own Spanish-American plans by the bribe of the same Floridas with Cuba included. His own cabinet did not seem to approve his views, but he persisted in setting them on foot, and even exerted pressure on his successor to continue them. On assuming office, the latter was led by Turreau's protests to repudiate them. To this change in policy we may attribute the instructions that bade Wilkinson refrain from all interference in the neighboring Spanish provinces.

Some echoes of Wilkinson's fruitless mission appeared in the correspondence of Francis James Jackson, who succeeded the unfortunate Erskine. He was not able to bring about the recognition of Luís de Onís, the recently appointed envoy of the Spanish

[63] Writings of Jefferson (Memorial Edition), XII, 304.

Regency; but he was able to assure the British ministry that neither England nor Spain need feel any concern over the situation in New Orleans. The raw troops, who were being decimated by disease, were a greater danger to themselves than to any prospective enemy. Their incompetent commander was about to face a court-martial. Secretary Smith had assured him that any changes in the military establishment there were only intended to overawe the turbulent population of New Orleans, and had added: "I have no hesitation in declaring to you without reserve that we have no views or intentions whatever, that can or ought to give the slightest umbrage to the Spaniards."[64]

Perhaps Smith was protesting too much, as he did a year later in regard to West Florida.[65] At any rate Jackson felt that he had more important questions to settle with the Americans than this interminable Florida controversy. He affected greater concern over the presence on the threatened frontier of Major Z. M. Pike, Wilkinson's protégé, who had recently returned from the Interior Provinces of Mexico, and over the report that Humboldt was to come to America as Napoleon's agent. The recent influx of French refugees from Cuba, too, caused both the Spaniards and the Americans to become more cautious in their dealings with each other.

[64] Jackson to Canning, Oct. 18, 1809, British Foreign Office, MS., America, II, 5, Vol. 64.

[65] Adams, History of the United States, V, 313.

About the same time a would-be agent of the Corsican was earnestly addressing himself to the French foreign department. Aaron Burr proposed to seize the Bahamas and the Floridas, attract to his standard friends from Georgia and the western States, and then resume his former plan to conquer Mexico. The one element to determine the success was possession of the Floridas, even if this should involve the hostility of the United States. Napoleon did not favor his project.[66] A year later Burr suggested a more fantastic scheme to reconcile France and England and with their joint forces subdue the United States and conquer Mexico. Burr himself was to operate in the South where he had many adherents. This plan probably represents the final despairing effort of the political adventurer.[67] Shortly afterwards he returned to the United States, a disappointed man, universally shunned by his former associates. He disappeared as an important political factor, although his name was associated with nearly every disturbance in the Southwest during the following decade.

[66] Roux to Cadore, Archives des Affaires Étrangères, États Unis, MS., Vol. 63, 39–42.

[67] Anonymous letter dated Dec. 10, 1811, in the Madison Letters, Lenox MSS.

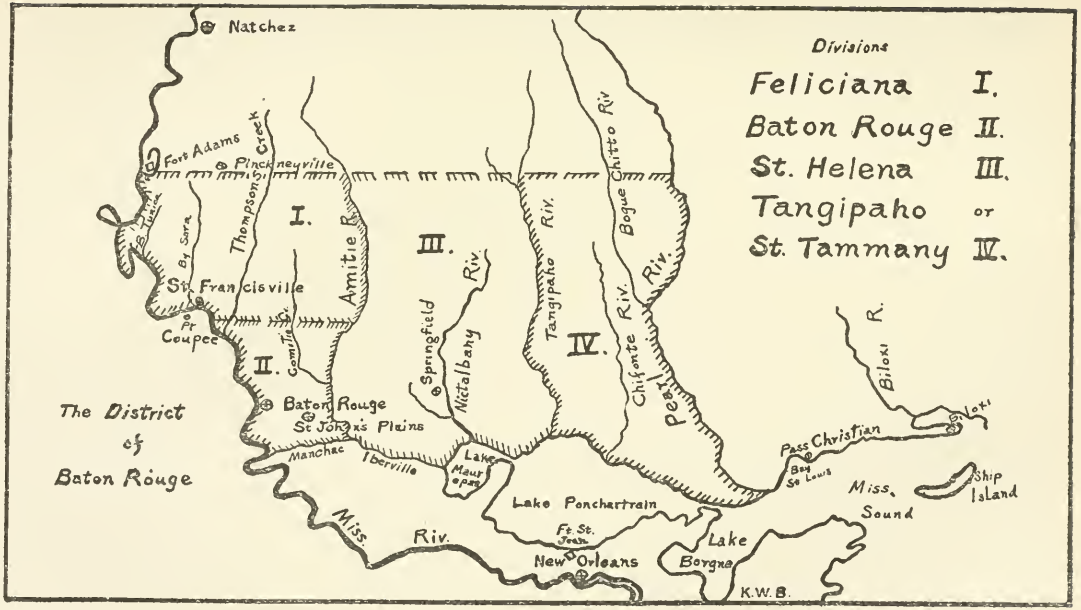
CHAPTER IX

The Movement for Self-Government at Baton Rouge

From the Napoleonic intervention we may date the series of revolts that ultimately gave each of the Spanish colonies a republican form of government. In common with these dependencies West Florida felt this revolutionary impulse, but its past history, its position, and its population had already determined its ultimate incorporation with the American Union. Napoleon's action gave the signal for initiating the movement. Jefferson had for some years anticipated this event, and as we have just seen, undertook new measures to hasten it. The inhabitants of the territory itself were scarcely less backward; but it was incumbent upon them to proceed with great caution and finesse.

In 1807, shortly after the Burr fiasco, Claiborne had reported serious discontent among his people, and expressed the fear that the prospective insurgents there might appeal to Great Britain for aid.[1] In June, 1808, a certain Major John Ellis was brought to task for saying that Grand Pré was incompetent, the govern-

[1] See page 210.


Natchez
Fort Adams
Pinckneyville
Thompson's Creek
Bayou Sara
St. Francisville
Pt. Coupee
Comite R.
Amite R.
I.
II.
III.
IV.
Springfield
Riv.
Nicholbany
Tangipaho Riv.
Bogue Chitto Riv.
Chifonte Riv.
Pearl Riv.
Biloxi R.
Biloxi
Pass Christian
Bay St. Louis
Miss. Sound
Ship Island
Baton Rouge
St. Johns Plains
Manchac
Iberville
Lake Maurepas
Lake Ponchartrain
Ft. St. Jean
New Orleans
Lake Borgne
Miss. Riv.
K.W.B.
The District of Baton Rouge
Divisions
Feliciana I.
Baton Rouge II.
St. Helena III.
Tangipaho or St. Tammany IV.

ment that he represented extremely weak, and the fort at Baton Rouge a tempting object of attack. His remarks were discourteous, even profanely so; but the authorities could not prove him disloyal, although they tried to connect him with those evil spirits of the frontier, Reuben Kemper and Aaron Burr.[2]

The events of the next few months seemed measurably to confirm Ellis's opinion of Grand Pré. In July, 1808, he entertained a distinguished visitor, as he supposed "an official of a friendly nation," General Octaviano Davilmar. He was one of those agents whom Napoleon, months before he revealed his purpose in regard to Spain, was sending to the Spanish colonies. Davilmar had already had a varied experience in Europe and the West Indies. Reaching Philadelphia early in 1808, he held a brief conference with Moreau after the latter returned from the South, and then started for the same region. Both Wilkinson and Claiborne informed Vidal of his approach, designating him as "General Alvina." Vidal at once informed the Mexican viceroy, and later wrote that Davilmar was "a man of talent, high enterprise, with no morality; cruel, and with his apparent and assumed affability, capable of insinuating himself into the hearts of the most imperturbable and of playing upon the ignorant at will." Davilmar evidently used these

[2] Baton Rouge Records, MS., County Court House, Baton Rouge, La.

talents with success upon Grand Pré. That official treated him most hospitably, and even furnished him with a boat for his journey up the Red River toward the Texas frontier. The general left a trunk with his host, possibly as a pledge of good behavior, and Grand Pré placed this in a public storeroom, without suspecting it or its owner. Soon, however, came the news of Napoleon's designs against the Spanish monarchy. Then followed tidings of Davilmar's arrest in Texas. More serious still, Folch had reported the Frenchman's presence at Baton Rouge in such a way as to implicate his unsuspecting host. Accordingly Someruelos instructed Folch to order Grand Pré to Havana, where he wished to consult him upon "interesting affairs." This order was the first communication that Folch had sent his subordinate for nearly a year.[3]

The intervention of Napoleon in Spain, the American embargo, and the recall of Grand Pré appeared to the people of the Baton Rouge district as distressing calamities, but of the three, the last was the worst. To his mild control they attributed the prosperity of their community. As one of their addresses stated: "In all the time of your rule you have exerted yourself to perceive our wants. You have heard our peti-

[3] Vidal to Iturrigaray, Apr. 7, July 25, 1808, same to Garibay, May 2, 1809, Marina, 1809–1814, A. G., Mexico; Folch to Someruelos, Aug. 29, 1808, Legajo 1565, Papeles de Cuba.

tions. Every individual always found free access to you and you never refused to listen to the general voice or to individual representations which were for the public good or to remedy some evil." To give point to their petitions for his retention, the militia organizations passed resolutions in which they commended the stand of their "brothers and fellow citizens in the mother country" and offered their "ardent desires and prayers for its prosperity." Precluded by distance from taking direct part in its defense, they promised in their own locality to "sustain the monarchy or remain buried in its ruins."[4] As this address came from Feliciana, Grand Pré was probably led to discount its language.

In another address protesting against the embargo the signers asserted that it was their "constant ambition . . . to keep forever the designation of Spaniards." In their love and loyalty to the Spanish crown they expressed deepest sympathy for their fellow-citizens who were struggling so gloriously in Spain. Such an opportunity to risk life and fortune for their country aroused their envy. After congratulating themselves upon the peace and prosperity they had enjoyed under Grand Pré, they suggested that if intrusted with the defense of their personal rights they

[4] Address of thirty-five residents of New Feliciana to Grand Pré. It bears date of May 27, 1808, but this should obviously be later, Legajo 185, Papeles de Cuba.

would be quick to follow "the Glorious example of our brothers in Spain."[5] Even the fulsome tone of this address cannot wholly conceal the sinister import of their suggestion for independent action.

This suggestion and the imminent danger of recall gave Grand Pré an additional motive for organizing his militia more effectively. The people needed protection from the "roving bands of murderous American highwaymen" that continually infested the country. Moreover Napoleon's course made it necessary to take precautions against Frenchmen wherever found. In Cuba the Spaniards were forcing them to leave. It would be exceedingly dangerous to attempt this in West Florida, where Folch estimated the French as comprising two fifths of the population—double the number of Spaniards. Those who were thus expatriated would unite with the "followers of Robespierre" in Louisiana and disturb the whole region.[6] Yet they were being continually reinforced by refugees from Cuba, and it was necessary to take some measures to organize his jurisdiction for defense. Accordingly in October, 1808, he nominated additional militia officers and designated the following April as the time for final organization and a general review. To such members as were then assembled he delivered a vigor-

[5] Representation to Grand Pré, Oct. 19, 1808 (Robertson, 5159).

[6] Folch to Someruelos, reservado, Aug. 25, 1808, Legajo 1565, Papeles de Cuba.

ous patriotic address and urged them to cheer the hearts of their fellow-patriots in Spain by a spirited defense of this exposed outpost. Those present then took an oath of allegiance and loyalty to their "august, legitimate, and well-beloved king," Ferdinand VII.[7] If we are to judge from their later acts, most of them did so with mental reservations.

Belated pledges of loyalty could not save the commandant who had incurred Folch's distrust and shown hospitality, although unwittingly, to a French adventurer. Moreover Davilmar in his confessions had implicated Grand Pré, and the New Orleans papers published the charges. He must take steps to clear his reputation. So, early in December, 1808, in the presence of his successor and several of his former subordinates, he gathered testimony of Davilmar's movements and opened the trunk that the Frenchman had left in his keeping. It contained nothing more dangerous than French uniforms, a copy of Machiavelli, a treatise on the art of war, and some comments on the same. The fateful trunk was then sealed up and the superseded commandant prepared to accompany it to Havana.[8]

A number of those who were present at this examination determined to take advantage of their meeting

[7] Discourse of Grand Pré, Nov. 15, 1808, Legajo 185, Papeles de Cuba.

[8] Report of Junta at Baton Rouge, Dec. 3, 1808, Legajo 185, Papeles de Cuba.

and of Grand Pré's necessity to advance the popular interests. After discussion, one of the group, Thomas Lilley, the syndic of Springfield, addressed to Grand Pré a letter, dated December 4, 1808, in which he mentioned the prevalent unrest and suggested that he should authorize the alcaldes and syndics to meet at some central place to discuss the best means for quieting the public mind. To this representation, accompanied by others, Grand Pré acceded. It was necessary for the petitioners to hold this meeting before Grand Pré's departure. They agreed therefore to assemble on the following Wednesday morning at Thompson's Creek in the Feliciana district. In addition to the regular officials, they determined to invite some of the leading residents who were most in touch with popular sentiment. Despite the shortness of the intervening time they were fairly successful in securing a good attendance.

When they met at the agreed time, William Harris was first nominated as presiding officer, but he declined in favor of Thomas Lilley, who seems to have been the prime mover. John Murdock became secretary. After stating the purpose of the meeting and reading Lilley's letter to the commandant and the latter's response, the members engaged in a frank, candid, and moderate discussion. As a result of this exchange of views, they unanimously resolved to petition Captain-General Someruelos to defer the de-

parture of Grand Pré until the existing crisis was over. They appointed a committee of five to draw up this address and at the same time present a similar one to Grand Pré. Then the members unanimously adopted a resolution opposing a report in the Orleans Gazette that Grand Pré and the people of West Florida were accomplices of Davilmar. They sent a copy of this to Claiborne and requested him to apply recent English practice to those guilty of such libels.

Their petition to the captain-general mentioned the circumstances that led to their meeting and emphasized the necessity of doing everything possible to tranquilize the minds of the people. For this purpose they wished Grand Pré to continue in his position until his successor gained full knowledge of their needs and character. Though Grand Pré had assured them that the new official was even better qualified than he for the post, yet the people could only gain full confidence in him through actual experience. They assured Someruelos that no other portion of the king's dominions contained more loyal subjects than they.

In addition to this petition and an address to Grand Pré, those irrepressible Anglo-Americans displayed a tendency that augured the speedy end of the Spanish régime in West Florida. A number present expressed the "desire to discuss subjects of highest import to the colony"—an unknown and unnecessary procedure under the Spanish government. They first consid-

ered the embargo—a serious grievance and one which they regarded as contrary to their treaty rights. They discussed the duties which they paid at New Orleans and considered the establishment of similar duties in their jurisdiction. This suggested a possible revenue, and they proposed to use such sources of income for the benefit of Spain, in return for her past generosity. At the same time, they wished to offer their worthy executive a good salary as a token of personal esteem and as a recognition of his just administration. It was a critical moment when those assembled thus proposed to assume the financial administration of the province. If they were in earnest, the step meant the recognition of the principle of representative government; if not, it was a step toward revolution and Grand Pré was to be bribed to favor it. In either case it was contrary to the existing system of control. Before adjournment, they took a still more unprecedented step. Believing that every person in the jurisdiction was interested in the common good, although not able to meet with them on this occasion, they called a meeting for December 21. To this meeting the several officers were instructed to invite "those calculated to give the best advice."

In their address to Grand Pré these self-constituted intermediaries between him and the people attempted to justify the call for this second assemblage. They needed a wider expression of public opinion before

they could take any definite measures to calm the prevailing unrest. For this purpose they had requested the militia officers and other respectable citizens to meet with them. They thanked Grand Pré warmly for permitting the first meeting, and in view of the general uncertainty in administrative affairs, requested him to remain until they heard from their petition to Someruelos. At any rate they hoped he would not leave before their next meeting.[9]

The action of the assembly added materially to Grand Pré's embarrassment. He had felt obliged to sanction their first meeting, for a refusal might have precipitated worse consequences. But the whole procedure was extra-legal in character, and speedily became distinctly illegal. Yet they used it as a precedent for a second meeting before learning whether Grand Pré's superiors approved of the first. The captain-general would examine closely whatever happened on the eve of Grand Pré's departure. He would naturally suspect collusion when an assemblage that Grand Pré permitted petitioned for his retention. In this way its members, whether they willed it or not, were proceeding at the expense of the executive for whom they professed so much admiration and re-

[9] Journal of Events in the Assembly of Alcaldes and Syndics of the Colony of Baton Rouge in West Florida. Address of Assembly, etc., to Marqués de Someruelos, Dec. 9, 1808, Address of Assembly, etc., to His Excellency M. de Grand Pré, Legajo 185, Papeles de Cuba.

spect. On the other hand, their action was personally complimentary to Grand Pré and all their acts were apparently dictated by candor and good faith. He must, therefore, express his disapprobation of the second meeting in a very guarded manner. Accordingly, on December 17, he wrote Lilley, who acted as intermediary, that the existing confusion and uncertainty greatly distressed him. His successor would certainly continue to advance the best interests of the colony. His own responsibility to his superiors and especially to Someruelos made it his duty to visit Havana. Yet he proposed to delay his departure for a few days, and he charged Lilley to make this known. Two days later a more intimate letter made Lilley think that Grand Pré did not approve of the proposed meeting. But this would occur on the morrow, and the members were probably already on the way. By approving their report in his letter of the 17th, Grand Pré had tacitly favored a second meeting. So Lilley and two others who were with him determined to proceed with it.

At the same time he wrote Lilley, Grand Pré sent Thomas Estevan a different type of letter. Estevan had already protested against any steps to impede Grand Pré's departure. Such action could only compromise him. The sooner he departed, the sooner he might return. Estevan gained many adherents to this view. In consequence, on December 20, he wrote to

John Murdock, at whose house the meeting of the 21st was to occur, that Grand Pré disapproved of their proceedings and, accordingly, the alcaldes and syndics ought not to meet again. This communication reached Murdock early on the appointed day. While the members then assembled felt that Estevan labored under some misapprehension in regard to their objects, they were unwilling to place themselves in opposition to the constituted authorities, and adjourned without further action.[10]

George Harris of Montesano, who translated the official proceedings, personally explained the motives of those who promoted the two meetings. He believed that Grand Pré had not acted unwisely in permitting them, and the conduct of the members showed that they merited the executive's confidence. He deplored the mistaken policy of Estevan, who dispersed the brave men coming from a distance and misinterpreted their motives. They desired to make a contribution to the mother-country, but, much to their mortification, were regarded as disturbers of the peace. One must not judge the people of West Florida by the neighbors that surrounded them and flattered the lowliest elements of the multitude in order to gain its purpose. He forbore to dwell on this point, for

[10] Journal of Events, Nos. 16, 19, 21, Legajo 185, Papeles de Cuba. Estevan was in charge of a small guard at Bayou Sara.

Grand Pré knew better than he that "one can make of these people (so singularly composed of diverse elements) all that one wishes by mildness, but that amid the singular circumstances in which we are, it will throw itself into the arms of our neighbors, if one affronts it and above all when it is opposed in its good dispositions, or its pretensions of a reasonable nature."[11]

With this as his *bon voyage,* Harris closed his account of the first orderly attempt at independent action in West Florida. Because it was orderly it differed from the earlier projects of the Kempers, and for this reason was supported by the better elements of the population. Although undertaken in the name of Ferdinand VII, few were at a loss to detect the trend of the movement. But its leaders had so skillfully combined Grand Pré's interests with their own desires that it was hard to separate them, or to lodge a charge of disloyalty against any one individual. It is no wonder, then, that Turreau and Foronda associated these assemblies with Wilkinson's mission and that the American administration felt compelled to disclaim any connection whatever with them.[12]

In making use of the local municipal officers to form this assembly, its leaders were reverting, albeit

[11] George Harris to Grand Pré, Dec. 27, 1808, Journal of Events, No. 21, Legajo 185, Papeles de Cuba.

[12] See page 308.

unconsciously, to an earlier Spanish practice. In the crisis caused by Napoleon's intervention others were employing the same means throughout Spanish America, notably in Mexico. Possibly some news of this reached West Florida, and suggested similar action. If so, the experiment was to benefit Grand Pré as little as the action in Mexico did Iturrigaray. Both were deprived of their office and called to answer for their conduct, but there were fewer forceful manifestations of displeasure in the case of the minor official. Yet it is likely that the perplexities of these months materially hastened Grand Pré's death. This occurred in Havana shortly after he reached there to give an account of his troubled stewardship.[13]

Despite the failure of the attempt at self-government, its protagonists did not abandon similar measures under Grand Pré's successor. One of the most significant was taken as a result of the American embargo. After a petition to the new executive, Carlos Dehault de Lassus, a committee was appointed to examine Bayou Manchac and the Iberville, in order to determine if the channel could be deepened for commercial purposes or if a road could be constructed along the northern bank for use during low water. Early in January, 1809, this committee, consisting of Samuel Fulton, Philip Hickey, Joseph Sharp, and John Dav-

[13] Folch to Someruelos, Jan. 28, 1809, Legajo 1566, Papeles de Cuba.

enport, reported that the project was feasible. They even believed that it would be possible to consider the often suggested plan of constructing a canal to join the Mississippi with the Iberville and the Lakes. In accordance with their report, the alcaldes and syndics of the locality, including the above committee, came together some two weeks later in an assembly presided over by De Lassus to consider means to facilitate the project. Their proposal was in keeping with the policy already initiated by Grand Pré to meet the situation caused by the blockade. This general meeting determined to construct a road along the bayou, and appointed the same four as a committee to ascertain the expense and supervise the work. This assumption of the money power for a measure of common action marked a very practical step toward self-government.[14]

We have already noted that John Adair was brought to trial as an accomplice of Burr. Escaping, like the principal, with nothing more serious than Jefferson's enmity, he spent the next two years on the Florida border, pursuing his private business. Evidently he felt that the change in administration gave him a chance to reinstate himself with the dominant party, for on January 9, 1809, he took occasion to inform Madison of existing conditions in the territories of

[14] Relation to De Lassus, Jan. 11, 1809, Report of industrial council, Jan. 25, 1809 (Robertson, 5161, 5162).

Orleans and Mississippi and in West Florida. Possibly we may discount his report of foreign and Federalistic influences in the two territories, the opposition aroused there by the embargo, the desire for statehood, and other causes that weakened the hold of the government upon all but an inappreciable element of the population.

He seems to speak with more certainty in regard to West Florida. He had sojourned there for a considerable period despite the opposition of Wilkinson's creatures, and we may accept his conclusions with some confidence. According to him, five sixths of the wealth and population of West Florida were west of the Pearl River. Nine tenths of the people there were Americans. All except a very few persons of former Tory persuasion preferred the American government to any other. These few individuals of talent and wealth gave some influence to the British party. The French and Spanish interests were not worth naming. The three or four hundred men comprising the garrison at Pensacola were veritable *sans culottes,* without clothing, rations, money, or credit. Under the circumstances the people of West Florida were "as ripe fruit waiting the hand that dares to pluck them."

British agents, Adair stated, were making some impression by offering commercial advantages that proved doubly attractive during the embargo, and

must inevitably draw a considerable emigration from the Southern States. If in addition the British should land a small force there and offer commercial privileges to the surrounding American territory, it would work incalculable harm.[15] Thus he and Wilkinson alike urged the fear of British intervention. But Madison's hand was not yet nerved to pluck the fruit that he had so long craved. It must be still more definitely forced upon him. The population of the Baton Rouge jurisdiction, as Adair suggested, was ready to do this. By the early part of 1810, Samuel Fulton, one of their number, ventured to call Madison's attention to the situation. He wrote that Spain would probably yield to Bonaparte and that this would necessitate some changes in West Florida. If the American government desired to take possession of the territory, he might be able to render it effective assistance, and would be glad to do so.

Fulton's offer, which may be regarded as typical, was by no means an empty one. We have already noted his presence among the earlier adventurers of the Florida border. After a number of years in French service, he offered himself to Madison in 1803, on the strength of the secretary's previous friendliness. As Madison could not then use him, Fulton became a Spanish citizen at Baton Rouge. As adjutant-general of the West Florida militia, he thoroughly or-

[15] Adair to Madison, Jan. 9, 1809, Madison Papers, MS.

ganized that body and also took a prominent part in public affairs. His defection would seriously embarrass the existing régime.[16]

A letter from Governor Holmes of Mississippi, bearing date of June 20, 1810, described the condition in West Florida more clearly. Complete anarchy prevailed there. The regular authorities had altogether ceased to exercise their functions and voluntary police associations were wholly ineffective. The people were divided into different national factions, each uncertain of its future action. The most numerous one desired ultimate annexation to the United States, but its leaders did not favor immediate action for fear of involving themselves in a premature revolt. Yet Holmes felt that they would run this risk rather than submit longer to anarchy or to foreign rule. The slave population and the refugee element were to be feared because of their influence upon contiguous American territory. Holmes did not expect any power to intervene with the possible exception of Great Britain, and the Washington authorities would best know how probable this intervention was.[17]

Holmes had not spent many months on the frontier, but his letter marks him as a shrewd observer of

[16] Fulton to Madison, April 20, 1810, Madison Letters, Lenox MSS.

[17] Holmes to Smith, June 20, 1810, Governor's Correspondence, Mississippi Territory, MS., Bureau of Rolls and Library (Parker, 4366).

events in the neighboring jurisdiction. His neighbor, Claiborne, who was then in Washington, made a similar report to the administration. Furthermore he had persuaded the president to adopt his plan of intervention, suggested three years before. As a result he was empowered to enlist the aid of William Wykoff, Jr., a member of the executive council of Orleans Territory. On June 14, 1810, Claiborne wrote the latter that the prospect of independence in South America might likewise lead West Florida to declare itself free. In view of the American claim to the territory, this meant intervention. But it was highly desirable to have intervention come through invitation of its people. "Can no means be devised," the governor queried, "to obtain such a request?" There was a French, an English, and an independent party among the people, but none of these could control the situation. "Nature has decreed the union of Florida with the United States," he affirmed, "and the welfare of her inhabitants demands it." Wykoff was thereupon empowered to visit West Florida as an emissary of the United States, to assure its inhabitants, including the Tories, that they would be welcomed by our government, and to suggest a convention of its people, as far east as the Perdido, as the best means of bringing about a united request for American intervention. He promised Wykoff his ex-

penses, and advised him to send his communications unsigned if he thought it necessary.[18]

One is inclined to suspect that the letters of Holmes and Claiborne are not merely coincident but collusive. Yet the situation they portrayed was sufficiently evident to any interested spectator. Claiborne's letter, it is true, clearly indicates that the American government was now ready to abandon oblique diplomacy for underhand intervention. The change did not mark a higher moral purpose; but in view of the precarious hold that the Spaniards then had on the Floridas, the possibility of British intervention, and, above all, its own lack of preparedness, some finesse, to use no uglier word, seemed necessary. A revolt, or at any rate, a united representation, exhibiting every appearance of spontaneity, would best serve the purpose. To such a task the administration now directed its energies. In Claiborne and Holmes it had two admirable agents for its purpose. But Robert Smith, who as secretary of state would naturally direct their movements, was unequal to the task. Madison, therefore, had to assume direct executive control, but even he, on occasion, paused for helpful suggestions from Jefferson or Gallatin.

Smith's immediate reply to Holmes was to the effect that the situation in West Florida "very properly engaged his attention." The government had already

[18] Claiborne to Wykoff, June 14, 1810 (Parker, 7460).

taken measures to ascertain the views of the people in West Florida, and he should aid in this task as much as possible.[19] On August 19 the president suggested more explicit instructions. Governor Holmes was to keep a "wakeful eye" on West Florida and promptly transmit any interesting reports therefrom to the seat of government. He was likewise to have his militia ready; and in case of foreign intervention or "internal convulsions" he was to protect the rights and interests of the United States "by every means within the limits of executive authority." So far Madison's advice might apply to any frontier commander in any emergency, but in view of Claiborne's letter to Wykoff, the president's closing words were extremely suggestive: "Will it not be advisable to apprize Governor H[olmes] confidentially of the course adopted as to W[est] F[lorida] and to have his cooperation in diffusing the impressions we wish to be made there?"[20]

In keeping with the president's direction, Smith sent Holmes copies of the instructions already sent to Wykoff, and advised him to cooperate with Bolling Robertson, who was then in temporary charge of Orleans Territory. But before these instructions reached him, Holmes had used his "wakeful eye," and the

[19] R. Smith to Holmes, July 12, 1810, Mississippi Territorial Archives, MS., Vol. 9; cf. also Domestic Letters, MS., Vol. 14, Bureau of Indexes and Archives (Parker 4369).

[20] Madison to Smith, July 17, 1810 (Parker, 4370).

citizens of West Florida were acting in a manner that showed little necessity for "diffusing impressions." Holmes, a former Virginian, with a long service in Congress, probably knew thoroughly the wishes of the administration. With only a few months' experience as governor, his tact, geniality, and common sense had already established his hold upon his own people and had recommended him to the people of the neighboring territory. He knew of but one solution for the problem before him: ultimate annexation to the United States. To this end, therefore, he worked, slowly, but cautiously, and much of the credit for the final peaceful result is due to his common sense, his frank and sincere interest in the task before him, and the prudence which marked each successive step in his policy. Moreover, it should be remembered that he acted for months without instructions from the seat of government, aside from Smith's first non-committal letter.

The general discontent in West Florida came to a head in the turbulent district of Bayou Sara. The people there complained bitterly of De Lassus, of his secretary, Raphael Crocker, and of the military commandant, Thomas Estevan. Taxes were high, fees exorbitant, and officials open to bribery. In many legal cases it was necessary to make costly journeys to Baton Rouge. Some of the associates of De Lassus thought that he felt resentful because the people mani-

fested so much regret at Grand Pré's departure. He objected to imputations against his secretary Crocker, even in the form of remonstrances from his fellow-officials. It was about De Lassus and Crocker that complaint centered. Most of them were exceedingly general, but there is at least one definite charge of bribery against the latter. Crocker later characterized this as a pretext of embryo insurgents to justify their later revolt, and claimed that American officials inspired it. His fellow-officials, who were not particularly favorable to him, found no definite foundation for it. Possibly one of these, Juan Metzinger, expressed the real cause of the trouble: "The laws, our lovely laws were dead."[21]

These popular complaints, whether well founded or not, led directly to a movement for betterment. This occurred in May and June, 1810, and was possibly timed so as to take advantage of Folch's absence in Havana. Crocker later attributed it to the machinations of a group of physicians, who were accustomed to hold frequent meetings with some wealthy Americans in Bayou Sara. Neither Estevan, the com-

[21] Copy of the Summary upon the Manner in which the Fort of Baton Rouge was surprised, Legajo 163, Papeles de Cuba. This copy, which will be referred to as "summary," consists of 384 folios and is the most complete Spanish source for the revolt at Baton Rouge and the causes leading up to it. The statements in the above paragraph are based on folios 4, 5, 14, 20, 26, 67, 78, 82, 243, 249, 251.

mandant there, Lennán, the curate, nor others of Spanish leanings attended these meetings. Estevan, who was very unpopular, knew of them, and of the frequent attacks on the government that emanated from them. But he trusted no one in his jurisdiction, and was wholly uncertain what course De Lassus wished him to pursue.[22]

At the same time, another storm was brewing at Baton Rouge. In June two Frenchmen from New Orleans began to hold nightly assemblages among the French in the vicinity, under pretext of defending themselves from Spanish plots. These meetings alarmed the Spaniards and afforded a prospect of speedy collision. At the same time, De Onís informed De Lassus through Diego Morphy, now vice-consul at New Orleans, that several French emissaries from New Orleans planned to raise a revolution in West Florida. One of these had already proposed to capture Baton Rouge and Pensacola. While these machinations seem only a natural surmise from Napoleon's intervention, De Lassus regarded them as part of a general propaganda against his jurisdiction. He determined, therefore, to expel all these malcontents and their followers, and he gave them three days in which to leave the province. Most of them crossed the Mississippi to Iberville Parish, from which they threatened to return and overwhelm the government

[22] Summary, fs. 202, 217, 225.

that had dispossessed them. They could probably do this with little difficulty, unless the American authorities prevented them, for De Lassus' resources consisted of a ruined fort with barely ten men competent to defend it.[23]

The action of De Lassus was probably unwise. Many of those expelled had long resided in the province, had taken the oath of allegiance to Spain, and had served in the local militia. Yet he believed that his action was justified because of the general attitude of his fellow-officials against the French, and because of the fact that their presence disturbed the better classes of people, who were sincerely attached to Spain. Their threats to return and dispossess him caused him to issue orders for assembling the territorial militia and to prepare for instant defense.

The news from Estevan at Bayou Sara confirmed him in his course. That officer reported the circulation of an anonymous petition calling for a popular convention. Estevan, distrusting everybody, wished De Lassus to consult with him at Bayou Sara. De Lassus regarded the peril from French refugees in his own vicinity as greater than any danger threatening the other, but sent Philip Hickey and George Mather to advise Estevan. He suggested that they

[23] Summary, fs. 216, 217; St. Maxent to Someruelos, reservado, July 10, 1810, Legajo 1574, Morales to Captain-General, Aug. 12, 1810, Legajo 1708, Papeles de Cuba; Natchez Weekly Chronicle, June 18, 1810.

should call the inhabitants together, read them the letters from Morphy, and show them that any internal disturbance would favor the enemies of the nation. The selection of Hickey was hardly in keeping with Spanish interests. He had been prominent in the abortive attempt to call a convention in December, 1808, and we may well believe that he would not neglect this opportunity to further the same end. Hickey had always appeared well affected toward the Spanish government, was a close friend of De Lassus, and during the succeeding days often assured the latter that the resulting assemblage was thoroughly loyal. Yet he was suspected of being the author of the anonymous paper that brought it together. He was either an astute politician, or else Governor De Lassus grievously misjudged him.[24]

Rumor, according to Morphy, credited the people of Bayou Sara with anticipating an advance in land values from a change in government. Such a reckless speculation seemed to him far more dangerous than the threats of French refugees.[25] A few weeks later he was to know that his fears were only too well grounded. In the meantime, before Hickey and his companion reached the disturbed area, a group

[24] Dispatches of St. Maxent and Morales as above; Estevan to De Lassus, June 23, and De Lassus to Estevan, June 25, 1810, Legajo 1568, Papeles de Cuba.

[25] Morphy to Captain-General, Aug. 12, 1810, Legajo 1708, Papeles de Cuba.

of its militia officers, among whom John H. Johnston figured, persuaded Estevan to summon a convention. That official was then ill; but when he was visited by the petitioners in a body, he ordered the alcaldes, syndics, militia officers, and other leading inhabitants to form a general meeting for discussing measures to restore public tranquility.[26] Thus he not only anticipated De Lassus in calling the people of West Florida together, but forestalled Claiborne's agent, Wykoff.

Madison was to learn of the situation in West Florida from still another source. After a residence of nine years in the Bayou Sara region, William Barrow, a native of North Carolina, enjoyed considerable popularity on account of his wealth and worth. For this reason the Spanish authorities, despite his well known American proclivities, had not ventured to molest him. Early in June, Barrow wrote to his old friend, Dr. J. R. Bedford of Nashville, that he was greatly alarmed over the situation in West Florida. He feared their existing government was "quite done," and he had little hope that the United States would take possession of the region. The people were divided in sentiment, with no able men to advise them. He asked Bedford to consult with "men of talents and honor" in his vicinity and give him the best advice possible.

[26] Estevan to De Lassus, July 1, 1810, enclosed in Folch to Someruelos, Aug. 29, 1810, Legajo 1561, Papeles de Cuba.

Barrow wished to act justly and with due regard to the safety and honor of his fellow-citizens.

Bedford celebrated the national holiday by sending President Madison a copy of this letter, together with some comments of his own. From other sources he felt sure that a revolution would shortly occur in West Florida. The inhabitants there might "disclaim all subordination or allegiance to the mother country, or the Usurper, and cooperate with the other Spanish provinces to form a new nation;" or they might declare themselves wholly independent and establish a government upon "economical and liberal principles . . . to endure no longer than it may be reciprocally eligible to become an integral part of the United States." The people of the South desired its annexation, and would do nothing to prevent such a step. Hence Bedford's direct appeal to the president and his willingness to receive in return any suggestion from him.[27]

Bedford's action was entirely satisfactory to Barrow. Whether it was equally so to Madison we have no direct means of knowing. Along with the reports from Holmes and Claiborne, it may have stimulated the later instructions to the Mississippi executive. Despite Bedford's injunctions to secrecy, some inkling of the purpose of the people in West Florida may

[27] Bedford to Madison, July 4, 1810, enclosing Barrow's letter of June 4, Madison Papers, MS.

have leaked out and inspired those reports that they had declared their independence. These caused some premature rejoicing in the American press and at the same time called forth greater vigilance on the part of De Lassus. Some of the people of West Florida, as Barrow later wrote, were ready to take this serious step and call upon the United States to aid them, without knowing whether it would do so or not. It was necessary to restrain their impatience and at the same time establish a more adequate local government.

In consequence of the events already described, a number of those residing in Feliciana (which included Bayou Sara) met at the farm of Mr. Sterling, some fifteen miles from the Mississippi and about ten miles below the line of demarcation. Their ostensible object was to secure themselves against foreign invasion and domestic disturbance. The leaders of the meeting submitted a prearranged plan which was adopted, with eleven dissenting votes only out of about five hundred. Under this plan the people selected four of their respectable and wealthy neighbors, and empowered them to ask each of the remaining six districts of the province to elect a single representative. This council of ten, provided the others accepted the proposal, was to be invested with the general powers of government, which they were to administer in a manner best calculated for the common

good. It was tacitly understood that the Spanish officials were to continue in office provided they submitted to the new authority. "You may readily conjecture," wrote Holmes on the 11th, "how this business will eventuate."[28]

Notwithstanding his confidence in the outcome of this movement, Holmes "utterly forebore to express his opinion as to the probable action" of his government. While the large majority of the wealthy and respectable element favored an appeal to the United States, a few regretted this movement because of attachment to the British government, or for more personal reasons. Philip Hickey and the curate Lennán informed De Lassus that a plan was on foot to seize the fort at Baton Rouge and deprive him of his command. This, however, was to be suspended while awaiting the action of the proposed convention. De Lassus regarded this report as exaggerated, and despite Hickey's suspicious attitude, continued to employ him to tranquilize the people. His only precaution was to double the guards in his ruined fort, although he did nothing to repair it. He had ample warning of the dangerous movement now under way, and might have crushed it in its incipiency. Because he did not, his superiors were inclined to regard him as an accomplice in the events that followed.[29]

The action of New Feliciana quickly affected the

[28] Holmes to Smith, July 11, 1810 (Parker, 4368).

[29] Folch to Someruelos, Aug. 29, 1810; cf. note 26.

other portions of the jurisdiction. On July 6 the people of Baton Rouge asked permission to call a similar assembly, and there was every prospect that St. Helena and Tanchipaho were ready to cooperate. Among those at Baton Rouge who signed the petition were George Mather and Philip Hickey, who had already acted as messengers to Estevan; Joseph Sharp and Samuel Fulton, whom Claiborne had mentioned in his letter to Wykoff; Fulwar Skipwith, who had lost his position in Paris and was now seeking to recover his political and financial standing in West Florida; Andrew Steele, Thomas Lilley, John Davenport, George Harris, and others, fourteen in all, who had been or were soon to be prominent in West Florida history. It is to be noted that the list contains no name of Spanish origin.

In his answer of the same date De Lassus claimed that the petition had grown out of his letter of June 25 to Thomas Estevan. Its purpose was evidently to preserve intact the dominions of the Spanish monarchy and sustain the laws. As such action would insure the tranquility and well-being of each citizen, he permitted the people in the districts of Baton Rouge, Bayou Sara, and St. Helena to hold the desired assemblies. Acting under this permission, the people of Baton Rouge assembled at the house of Samuel Fulton to choose their delegates.[30]

[30] Petition to De Lassus, July 6, 1810, Legajo 185, Papeles de Cuba.

Not all the people within these localities welcomed the innovation. Many who were attached to Spanish interests did not understand the course of events and wondered at the compliance of the governor. They imagined that he was either deceived or else lacked sufficient troops to check the movement. Among these was Shepherd Brown, the commandant at St. Helena, who had received a number of unsigned documents from Baton Rouge, indicating an intention to establish "a new order of things." Among them was the permission of De Lassus to hold popular assemblies. This appeared so extraordinary to Brown that he feared the other had been compelled to issue it because he lacked the means to discover and punish those who were behind the movement. Accordingly, he sent a trusty militia lieutenant, Joseph Thomas, to learn definitely whether De Lassus had given the order voluntarily or if it had been extorted from him. He desired the executive's express assurance that he was acting of his own free will and that his course was designed "to preserve intact this part of the kingdom and of our loved and worthy sovereign, Don Ferdinand VII, and to sustain his government and wise laws." If, on the contrary, his permission had been extorted by fear, Brown wished him to know that the inhabitants of St. Helena desired no change in government. Five hundred militia were ready to sacrifice their lives for the honor of the Spanish flag,

and would obey his word without delay.[31] Despite this assurance, it is doubtful if any such number were ready to follow Brown into an actual clash with their fellow-citizens.

In his reply De Lassus assured Brown that he had in no way been forced to permit the assemblies. Those who asked for them did so with all possible respect. He was persuaded that the inhabitants were well disposed toward him and desired only an opportunity to show their fidelity to Ferdinand VII, as his messenger would personally tell him.[32] This reply to Brown and the previous communications to Estevan indicate that De Lassus knew he could not meet the peril confronting him and that he was too proud to acknowledge it. One can, of course, reason equally well that he knew the conditions and was ready to make a corrupt bargain for his tacit consent, or was unwilling to resist because he saw the futility of such a course.

Upon receiving this word, Brown arranged to elect the delegates from St. Helena. As it was difficult to find a common meeting-place for all the inhabitants of his jurisdiction, he divided it into four precincts, one of which was to select two delegates and the others one each. As a result of his influence, he secured the

[31] Summary, f. 205; Shepherd Brown to De Lassus, July 10, 1810.

[32] De Lassus to Brown, July 13, 1810.

election of what he termed "five faithful vassals,"[33] for whose "zeal and patriotism" as well as obedience to De Lassus' wishes he personally vouched. In his action at this time and subsequently Brown seems much more loyal than De Lassus. Folch later thought that the commandant made a military mistake when he rejected Brown's proffered aid, and a political one when he permitted widely separated districts to meet in a common assembly. By so doing he made all acquainted with the disaffection that prevailed in Bayou Sara.

Thus the irregular meeting in that region led to a general assembly for the whole jurisdiction of Baton Rouge. Despite the criticism that other officials passed on De Lassus' action, it is hard to see what else he could have done. He afterward claimed that he had asked for reenforcements from Pensacola and that he did not consent to the assembling of the convention until he had learned that they would not be forthcoming. In permitting this significant step he only designed to temporize with the prospective insurgents and thus gain time for later assistance. He expected the assembly to take no more positive action than to express the reasons that led to its meeting. Yet at that very time popular report credited it with intending to establish a better system of justice, repair fortifications, nominate local officials, and in other

[33] Brown to De Lessus, July 23, 1810, ibid.

ways relieve the people of the abuses under which they were suffering. Yet all was to be done in the name of Ferdinand VII.[34]

On July 25 the greatly feared convention assembled at St. John's Plains in the house of Richard Duvall, some five leagues from Baton Rouge. The members, numbering fourteen, comprised four each from New Feliciana and St. Helena, five from Baton Rouge, and one from Tanchipaho. They organized by choosing John Rhea as chairman, and Dr. Andrew Steele as secretary. Of their number Manuel López was the only one who bore a Spanish name. He and those who had been selected through Brown's influence were probably ready to support the governor. John W. Leonard was an adherent of De Lassus, as was Samuel Crocker, one of the clerks.[35]

The members naturally hesitated to proceed along the unaccustomed path of self-government. Their experience under the Spanish régime and a certain

[34] Summary, fs. 65, 68, 83, 218, 230.

[35] Folch to Someruelos, Sept. 29, 1819, Legajo 1568, Papeles de Cuba; National Intelligencer, Sept. 24, 1810. The list of names given is as follows: from New Feliciana, William Barrow, John H. Johnston, John Mills, John Rhea; from Baton Rouge, Philip Hickey, Thomas Lilley, Manuel López, Edmund Hawes, John Morgan; from St. Helena, Joseph Thomas, John W. Leonard, William Spiller, Benjamin C. Williams; from Tanchipaho, William Cooper. Cf. account given by Henry L. Favrot in Publications of the Louisiana Historical Society, Vol. I, Part II, 41–43.

mutual distrust caused them to avoid hasty action until each had disclosed his attitude. Some of them were ready for common action and were doubtless responsible for circulating an anonymous code that had already been favorably received. This was designed to place all political power in the hands of the convention, acting jointly with De Lassus. At the same time, there were reports in circulation above the line that the convention would declare its independence and that a filibustering party would be formed to assist in this movement. Governor Holmes later solemnly denied this, but the rumor naturally caused the Spanish officials to regard the meeting with suspicion and to fear American complicity.

According to Holmes the majority of the convention undoubtedly favored annexation to the United States. A strong minority, still attached to the Spanish system, industriously circulated a report that Folch had returned from Havana and would employ the military forces at Pensacola to break up their deliberations. The majority hesitated to ask openly for American assistance, for they might thus be overwhelmed before the United States could act upon their application. In fact, they did not know how such an application would be received. Thus it was impossible to obtain any expression of their real sentiments. On the other hand, De Lassus trembled for his person and position, yet he had neither the courage nor the

resources to precipitate a struggle. This led him to acquiesce in whatever the convention undertook.[36]

One of its first acts was to pass a comprehensive resolution defining its powers: "Resolved, That this Convention created by the whole body of the people of the government of Baton Rouge, and by the previous consent of the Governor, is therefore legally constituted to act in all cases of national concern which relate to this province, to provide for the publick safety, to create a revenue, and with the consent of the Governor, to create tribunals civil and criminal, and to define their own powers relating to other concerns of the government, when to adjourn, when to meet again and how long to continue their session."

After enumerating this catalogue of powers in which the executive was to appear only as an occasional accomplice, the members proceeded to express his position still more clearly: "*Resolved* that it is the unanimous wish of this Convention to proceed in all our deliberations for the public welfare with the entire approbation of his Excellency Charles Dehault De Lassus, our present Governor and that we become responsible with him to the superior authorities for the expediency of the measures which may be adopted with his concurrence, that we engage to support him as our Governor, with the emoluments appertaining

[36] Folch to Someruelos, Sept. 29, 1810, Legajo 1568, Papeles de Cuba; Holmes to R. Smith, July 31, 1810 (Parker, 4373).

to his present office, and to give him all the aid in our power in the execution of the duties thereof."

As if to make this forced complicity more agreeable, the members graciously thanked him for permitting them to meet and for discovering that he was authorized to divest himself of civil and military power. They wished to break the force of the latter suggestion, however, by offering to continue his present salary.[37] After thus taking power into their hands in a way unknown to Spanish procedure, they continued their deliberations on the second day by stating a series of grievances which they proposed to use as a basis for drawing up a formal frame of government. Their statements merely added insult to injury, but they were so presented as to compromise nearly all of their number.

Grievance number one, as stated by Lilley and sanctioned by Harris, was to the effect that the province was a refuge for criminals, while men of fortune and character were barred out of it. Hickey and Barrow suggested that in the defenseless state of the province it was a grievance to have no means for organizing the militia. This seems to be hardly true, if we may judge from recent occurrences. Cooper and Miller deplored the lack of facilities for the speedy administration of justice, and Johnston and Barrow claimed

[37] Clipping from Natchez Chronicle, Aug. 6, 1810, enclosed in Holmes to Smith, Aug. 8. Cf. n. 42.

that they had no competent tribunals to administer justice in their own language. Barrow and Spiller objected to the proposed system for resurveying their lands; Thomas and Hickey called attention to the neglect of all laws relating to roads, slaves, and live stock.

Thus asserting their power and airing their grievances, they appointed a committee consisting of John H. Johnston and John Mills of New Feliciana, John W. Leonard of St. Helena, and Philip Hickey and Thomas Lilley of Baton Rouge, to draw up a plan for redressing these grievances and providing for the defense of the province. Then López and Hickey discovered a grievance in the fact that there was no regularity in official fees, while Leonard and Spiller asked for a uniform system of weights and measures. The latter pair also deplored the presence of French refugees in the province. Williams and Spiller claimed that many who had long resided in the province were unable to obtain titles to their lands. At this juncture Hickey and Lilley resolved that it was their duty to relieve the mother-country as much as possible while she was engaged in a doubtful contest for her very existence. They must find within the colony the necessary funds for its government. López and Lilley likewise desired a popular counsellor who could give opinions in cases that arose under the Spanish law. This suggestion might convey the idea that the existing authorities were incompetent. Fi-

nally the members concurred in a general resolution for self-protection by asserting that they should be free from arrest during attendance upon the convention and while traveling to and from its sessions. John Morgan of Baton Rouge and William Cooper of Tanchipaho were the only members whose names did not appear in connection with these grievances.[38]

Having taken this significant forward step, the convention adjourned until the second Monday of August. Before separating, the members gave De Lassus a fulsome address, through a committee composed of Manuel López, Joseph Thomas, and Philip Hickey. In such action they doubtless felt safe in giving his friends a majority. They spoke of the satisfaction that they derived from his approval of their action. In the name of their constituents they thanked him for his efforts "to preserve popular tranquility in a time of general anxiety and alarm." Then they stated that the object of their deliberations was "to promote the safety, honor, and happiness of our beloved king, Ferdinand VII, to guard against his enemies, foreign and domestic, and to punish wrongs and correct abuses dangerous to the existence and prosperity of the province." They hoped that their future action would meet with his approval, quoted their resolutions in regard to the powers of government and his salary, notified him of the appointment of a committee to

[38] National Intelligencer, Sept. 24, 1810.

redress their grievances, and stated their intention of reassembling on August 14, "to receive the report of said committee and to proceed in the discharge of other duties enjoined by our constituents." After thus divesting him of his ordinary authority, the closing stock phrase "May God preserve you many years" seemed bitterly ironical.[39]

William Barrow's neighbors, to paraphrase his report, had been weak enough to choose him as a delegate, and he had taken a prominent part in the convention. Shortly after its adjournment he wrote to his friend Bedford that notwithstanding the apparent harmony, which he hoped would continue, the delegates were at a loss what course to adopt. Some were for the United States, some for Great Britain, and many for Ferdinand VII. For the present, therefore, they had determined to continue the Spanish laws with necessary amendments, put reliable men into office, and treat all with equal justice. In the midst of the popular confusion and ignorance his fellow-citizens wished to know what they might reasonably expect of the United States. They had no desire "to cast a stigma on themselves or risk their best rights and interests." He hoped the measures taken would quiet the minds of the people and give the leaders opportunity to determine the best method of procedure.

[39] Address to De Lassus, July 27, 1810, enclosed in letter of Holmes, Aug. 8, 1810. Cf. n. 42.

As the United States had excited them by laying claim to the territory, it was in duty bound to advise them in the present crisis, and to act as was becoming to "a free and independent nation." Unfortunately, as we have seen, the course of the American government in reference to this very region had measurably deprived them of that status. Barrow mentioned a report that soldiers were to be sent from Pensacola to restore the old order of things, and regarded such a possibility with apprehension. The people had definitely chosen their delegates, and he believed they would support them if in danger.[40]

Bedford sent this communication to Madison although he had not heard from his previous one. His apology for intruding a second time upon the president was a sincere desire to advance the interests of the United States as well as those of his friends in West Florida. These were to a certain extent reciprocal. Barrow had written Bedford that he firmly believed they were absolved from allegiance to the mother-country and had a natural right to assume self-government. In time West Florida must become a part of the United States. To facilitate this step it might be better, pending action by the latter, to form a temporary independent government and to include East Florida if the latter desired to cooperate. As

[40] Barrow to Bedford, Aug. 5, 1810, enclosed in Bedford to Madison, Aug. 26, 1810, Madison Papers, MS.

Bedford did not know that the executive had the right or the desire to act alone in this matter, he suggested that the people of West Florida should continue "their present quiet situation" until Congress could meet and act upon their application for incorporation with the Union, as it would promptly do. Bedford believed that the American government was friendly and solicitous for the people of Florida; that it conceived itself to be the lawful owner of the territory; but that the "peaceful and neutral disposition" of the government would forbid any attempt to acquire it by other than mild measures, unless these became "hopeless or rather obstructive."[41]

A correspondent from this convention wrote in a similar vein to the Natchez Weekly Chronicle. His letter appeared in the issue of July 29, and likewise afforded Holmes a text for his own of July 31. After quoting from it, Holmes mentioned the desire of the people in West Florida to join the United States, but said that they feared to take the necessary steps before they knew the attitude of its government. A week later, acknowledging the receipt of Smith's cautious letter of July 12, he assured the secretary that he was observing carefully the situation in West Florida and would report fully and promptly thereon. His informant had recently returned to Natchez from West Florida, and had given him additional details,

[41] Bedford to Madison, Aug. 26, 1810, Madison Papers, MS.

including a copy of the address of the convention to the governor. From the style of this paper one might infer that the people wished merely to redress grievances and support their present administration; but Holmes had already shown that these public acts revealed the views neither of De Lassus nor of the convention. The former had simply sanctioned what he could not prevent. The greater part of the people desired American intervention, as he had previously reported, but would adopt no direct means to bring this about before they learned the attitude of the United States. Although this was a matter for his superiors to determine, he ventured to suggest that West Florida could then be obtained without any material expense or the loss of a single life. Should some powerful nation invade the region or send emissaries into it, the condition might change. Under the circumstances he would gladly receive the instructions of the president that Smith promised, and would faithfully observe them.[42]

In an early August issue of the Natchez Weekly Chronicle there appeared a review of the situation that was evidently intended to hurry on American action. Its closing paragraphs stated: "Idle demagogues and declaimers may endeavor to alarm the

[42] Holmes to Smith, Aug. 8, 1810, enclosing clipping from the Natchez Weekly Chronicle (Parker, 4374, 4375).

fears of the people and may threaten them with French vengeance, but if the deputies are faithful to Florida, adhere to principle, and pursue a wise and just policy, they will acquire for themselves immortal honor, and secure a free and equitable government to their posterity.

"As far as we have seen an expression of public sentiment, there is not one American heart that does not beat in unison with the people of Florida; and the prayers of seven millions of freemen are daily offered up to this fountain of all good for the civil and political freedom and universal prosperity of our enlightened neighbors. The people of the United States and of Florida have the same object in view, the same end to accomplish. They are all nations of this soil and they must preserve it inviolate. Never must they permit this hallowed haunt of liberty to be polluted by the followers of the Corsican. Let the Florida Convention cast a retrospective eye over the miseries of Spain, and remember that these evils have been brought about her by the intrigues of the French, and that torrents of blood, similar to those which have flowed in the mother country, will deluge their happy land, the moment they are led astray by the siren songs of Toryism. Let the American Congress and the Florida Convention perfectly understand each other, unite in measures of defense, and plant on the

shores of the Atlantic and the Gulf of Mexico, a barrier that will secure us forever against the corrupting influence of French politics. By this means they will not only preserve liberty to themselves, but will transmit it unimpaired to their latest posterity."[43]

[43] Cf. Parker, 4375.

CHAPTER X

Drifting Toward Insurrection

The meeting at St. John's Plains marked the end of the first step toward American intervention. The measures then taken to secure provincial self-government were largely farcical, and none knew it better than De Lassus. As he was not ready, however, to break with the popular leaders, three days after the convention adjourned he replied to its address through the spokesman of the committee of five, Thomas Lilley. His words were as courteous as their own and equally sincere. He was gratified to note the unanimity with which they desired to promote the interests of Ferdinand VII. His confidence in their loyalty led him to take such measures as he had employed to quiet the people of Bayou Sara. These measures had naturally resulted in the present assembly.

Those whom he addressed doubtless appreciated the naturalness of this result more than did his immediate superiors. Both Folch and Morales later regarded him as weak, or worse than weak, for ever permitting the convention to assemble, and even at that late date thought he ought to have proceeded against its leaders. But in his letter to Lilley, De Lassus went on to state

that he expected tranquility to follow the meeting and it was that expectation which had caused him to approve the measures. He declared that he was always ready for common action, provided the members intended nothing contrary to the laws and instructions which he must follow. He asked them to report to him any specific cases of injustice, and insisted that they must reveal the authors of certain seditious broadsides advising independence. He would be glad to accede to their proposals if he could do so; or if not, he would hasten to send these to his superiors, for he was persuaded that they would ask nothing but what was in accord with the laws under which they lived so happily. Thus they would cooperate as faithful vassals to preserve the dominions of Ferdinand VII. He was flattered by their desire to continue him as chief, and were it possible, such an expression of confidence would cause him to redouble his efforts in their behalf. He appreciated their offer to share with him any responsibility for necessary changes in the administration, but as chief executive he alone was responsible under Spanish law, so that he could not approve their generous offer. Nor could he accept the compensation they mentioned, for his salary from the royal treasury was sufficient for his needs. We may note in passing that at this time he bitterly complained to Folch about the lack of funds. Yet he added that if they determined upon a sum, he would inform his

superiors so that they could use it as seemed best. He approved the membership of the committee of five and also the resolution of the convention to meet again in August. Mills, the chairman of the committee, expressed his gratification at the tone of this communication, and promised to give it to the convention as soon as it reassembled.[1]

This letter is in striking contrast to one that appeared in the National Intelligencer. The correspondent wrote of the convention as proceeding "with caution and prudence, but as cognizant of [its] rights." While professing allegiance to Spain, the delegates decided all local matters for themselves, and upon the definite subjection of the mother-country would probably declare their independence. This would present a serious problem to the southern part of the United States. When a country was conquered, its dependencies might submit or resist as they saw fit. No one could doubt the choice of the Florida people. To give point to this view, there was published a report from Pinckneyville that five hundred men were on their way to Baton Rouge to support the executive. This rumor was probably based on Shepherd Brown's offer, and the writer suggesting it stated that if the people of West Florida were wise, they would take the fort ere these reenforcements arrived. Moreover there were

[1] De Lassus to the Committee, July 30, 1810, Mills to De Lassus, Aug. 3, 1810, Legajo 185, Papeles de Cuba.

suggestions in the press of New Orleans and elsewhere that a declaration of independence by the people of West Florida would probably be followed by annexation to the United States.[2]

These reports greatly encouraged Holmes, but alarmed Folch. The latter naturally associated this movement with the contemporary declaration of independence in Caracas, which elicited favorable comment from the American newspapers. On returning to Pensacola from Havana, he found dispatches from De Lassus, bearing the date of June 20 and 22, which had come by way of New Orleans. They were accompanied by papers reporting later and more serious events, and by some information from St. Helena, which also aroused his keen distrust. He immediately wrote for an explanation and promised on receiving it to leave for the threatened region. But everything depended upon the requisite funds.

By the end of August, Captain Luís Piernas arrived at Pensacola with a remittance of fifty thousand pesos. Folch immediately sent him with six thousand pesos as his special messenger to De Lassus. He was to observe and report in detail upon everything happening in Baton Rouge. Folch wrote his ill-fated subordinate that he was sending a special messenger, because De Lassus' silence was causing him to believe that he could not otherwise communicate with him.

[2] National Intelligencer, Sept. 24, 26, 1810; Democratic Clarion and Tennessee Gazette, July 27, 1810.

He advised the executive, if possible, to retire to the Chifonte under pretext of ill health, and said that he would try to meet him there.[3]

Shortly after he had dispatched Piernas to Baton Rouge, Folch received from De Lassus a communication, dated August 4, giving a résumé of events to that date. This was his first definite information regarding actual events in Baton Rouge, but the fact that five weeks had elapsed since it was penned did not relieve his anxiety or give him renewed confidence in De Lassus. Both he and Morales believed that it was possible for him to have proceeded against the convention even at that late date. He should have dissolved the committee of five, prohibited the reassembling of the deputies, seized their journal, and taken other measures to preserve the royal authority. Yet he had done none of these things, and thus laid himself open to charges freely made in the Orleans papers, that he was an accomplice in the project for independence. His own attempt to explain his course simply added to the suspicions. Although Folch had been his fast friend, even he could no longer approve his course. But he and Morales felt that the Americans were secretly behind the movement for independence.[4]

[3] Folch to Someruelos, Aug. 6, 8, 27, 1810, Legajo 1568, Papeles de Cuba.

[4] Morales to Hormazas, reservado, Sept. 30, 1810, Legajo 267, Papeles de Cuba.

When the representatives of the people of Baton Rouge reassembled in convention, on August 13, the Mississippi executive followed Secretary Smith's suggestion and sent his own personal agent, Colonel Joshua G. Baker, to ascertain their real views and those of their constituents. The convention remained in session for three days, and then adjourned to permit De Lassus to act upon its measures. Among others, the members favored arming the entire militia. As the people cherished no resentment against the government under which they lived so happily, the authorities, they said, had nothing to fear from this action. Significant as this measure was, it was less important than "an ordinance for the public security and good administration of Justice within the jurisdiction of Baton Rouge and in West Florida," which they proposed to put into force at their next meeting. Accordingly they asked De Lassus to approve it without referring to any superior authority. A desire he had always shown to favor them made them think that he would so so, especially as they had agreed to share all responsibility with him. Only by so acting could they save the country from anarchy.[5]

Despite their open assurance, the members of the convention did not expect De Lassus to sanction their action. One of their number wrote Bolling Robert-

[5] Address to De Lassus, Aug. 15, 1810, Legajo 185, Papeles de Cuba. Cf. Robertson, 5173.

son, at New Orleans, that De Lassus would probably "accede to nothing without consulting higher authority, and his refusal might be attended with serious consequences." The majority of the office-holders were English in sympathy, and this constituted the principal obstacle to independence. If the United States did not countenance their efforts, they would probably send a messenger to England to propose an alliance with that government.[6]

William Barrow, whom we have already noted as one of the leading members of the American party, accompanied Baker back to Mississippi. His purpose was to give Holmes a personal report of the proceedings in the convention and to reinforce it with letters from his associates. Like Robertson's correspondent, he did not expect De Lassus to approve the work of the convention. The delegates were anxious to learn whether Holmes would intervene in case they needed his aid. Through Barrow the presiding officer, John Rhea, informed Holmes that the members of the convention were anxious for immediate annexation to the United States. He wished to know if their region would be acknowledged as a sister State or attached to one of the adjoining territories. The body over which he presided had been elected by the people with the full consent of De Lassus, and so was em-

[6] Robertson to Smith, Aug. 26, 1810, Madison Papers, MS.

powered to act in a sovereign capacity for itself.[7] We may surmise that its adjournment for a week was as much to lay the situation before Holmes as to give De Lassus an opportunity to render his decision.

One of the important members of the convention, John H. Johnston, was prevented by illness from attending its second meeting. Colonel Baker called on him while on his way thither, and Johnston naturally interpreted this visit as displaying more than a passing interest in West Florida affairs. He immediately informed Governor Holmes of his gratitude for this favor, and frankly expressed his opinion on existing conditions. Corrupt and "villainous Court sycophants" were enabled to "batten on the spoils of the land" because so large a portion of the population consisted of American refugees or ignorant time-servers. These classes rendered necessary the devious methods which the "reformers" were pursuing. The population needed to be placed "under the conduct of a wise guardian who will transform them from slaves to men." They beheld such a guardian in the United States, their mother-country, but he confidently asserted that two thirds of the people regarded her tardiness and neglect as worthy only of a stepmother.

The Conventionalists feared the possibility of Spanish vengeance should they break openly with their

[7] Enclosure in Holmes to Smith, Aug. 21, 1810 (Parker, 4378).

executive. Johnston was prompted to ask whether, in the event of a break, the United States would receive them into her "bosom." He then inserted an illuminating question: "If it is necesary for the convention to formally declare the province independent of Spain and call upon the United States for protection, will it not be proper to insert therein two or three stipulations of consequence to us but not interesting to the United States?" Aside from these conditions, which could not be considered "after annexation," they would "cheerfully submit in all things to the federal constitution." His "stipulations" were that British land titles should be disregarded when the same holding was covered by a Spanish title; that actual settlers should be entitled to as much land as the Spanish government had habitually granted; and, with certain exceptions, that a general amnesty should be granted to all Tories, deserters, and fugitives from justice.[8]

These conditions seem to imply that the aims of the "reformers" were not wholly unselfish. They evidently expected a reward for the risk involved in their devious method of bringing about American intervention. It is, however, possible to interpret their stipulations as something more than a bid for free lands. The third proviso, though rather indefinite, was in keeping with the later recommendations of Claiborne and Holmes. The proposition in regard to

[8] Johnston to Holmes, Aug. 14, 1810 (Parker, 4379).

British titles probably arose from the fact that some lands in West Florida had been abandoned by their owners during the confusion that existed from 1779 to 1781, and were later occupied by immigrants who derived their title from Spanish sources alone. This would explain the proviso in regard to the size of land grants. There is a possibility that some of the lands in question had been acquired from Morales since the Louisiana Purchase, and that title to them might prove defective in view of the American claim to this territory, unless there was an expressed stipulation to the contrary.

Holmes was naturally impressed by Rhea's and Johnston's letters and by Barrow's personal report. He frankly told Barrow, however, that he had no instructions to justify his interference in West Florida. He was merely to collect and transmit to the seat of government information of the events that might happen there, but personally he hoped that all these "would eventuate" for the good of the people. In his letter to Secretary Smith he cautiously ventured to arouse the administration by calling attention to a newspaper report that Governor Folch was at Pensacola, having just returned from Havana with a large force destined for service at Baton Rouge.[9]

Meanwhile, at that center, George Mather and Philip Hickey were striving to induce De Lassus to

[9] Holmes to Smith, Aug. 21, 1810 (Parker, 4376).

accept the measures of the convention. These two men had acted as his personal representatives during the first disturbance at Bayou Sara and were able to give reliable information of existing conditions. Possibly Hickey was a biassed adviser, for he had been identified with the earlier movements for a convention that occurred late in 1808. This fact and his subsequent activity in the present developments, as Folch later remarked, should have disqualified him. But he and his companion now assured the executive that he could save his jurisdiction from anarchy only by approving the action of the convention.

Its proposals, they contended, were neither disloyal nor unreasonable. Some anonymous papers, revolutionary in character, were, it is true, being circulated by individuals who had little to lose in an era of disorder. The calling of the convention had been the work of the more respectable elements of the population. To hold this element, there must be adopted a less costly and elaborate method of administering justice, one requiring in trivial cases fewer journeys from remote settlements to Baton Rouge and fewer appeals to more distant tribunals. These people also complained of some of the subordinate officials, especially the surveyors. At the time when the mother nation was fighting for its very life against the usurper, many believed that they should provide for

the maintenance of their own government.[10] We may note in this defense the unexpressed but yet definite corollary, that the control of funds must also rest with the people.

Another member of the convention was not so favorably impressed with its work. Manuel López attended the first two meetings, serving as interpreter as well as representative of the governor. When the convention began to suggest other matters than the repair of fortifications or the preservation of the rights of Ferdinand VII, López protested and retired to Baton Rouge. Yet at the request of De Lassus he returned to that body until he had finished translating a copy of the new ordinance. John W. Leonard also represented the Spanish party, but López suspected his loyalty. López sent Morales copies of the documents that he translated. Possibly by this means he and his fellow-intermediary, Eulogio de las Casas, the magazine guard, hoped to secure themselves from disagreeable consequences if the higher officers should ever attempt to investigate the untoward happenings at Baton Rouge.[11]

By this time De Lassus seemed ready to come to a direct understanding with the convention. On August 19 he gave a dinner to its members, to which

[10] Mather and Hickey to De Lassus, Aug. 15, 1810, Legajo 185, Papeles de Cuba.

[11] Summary, f. 76, cf. n. 21, p. 334.

he invited other citizens; the latter, however, did not generally attend. Besides the commandant, the official staff was represented by St. Maxent, Crocker, Morejón, the younger Grand Pré, and Leonard. At this feast there were many toasts to Ferdinand VII, with an expression of hope for his speedy restoration to the throne. The occasion closed with a salute of twenty-one guns. A few days later another feast occurred at the house of Mr. Foulquier, some distance from Baton Rouge, at which the executive and his secretary met the deputies. At this gathering, according to the testimony of one witness, the list of toasts included one to the president of the United States. It was then, apparently, that De Lassus announced his acceptance of the proposed ordinance.[12]

In addition to these two large gatherings, there were frequent small dinners at which De Lassus entertained two or four guests from Bayou Sara. Philemon Thomas, commander of the militia, was frequently present. Not all of these gatherings were harmonious. At the conclusion of a stormy session attended by some eight or ten persons, the executive was overheard to say: "If I do not govern well, take this baston and govern." Among the officials, Las Casas, and Juan Metzinger, lieutenant of artillery, refused to attend, for they felt that no good Spaniard could countenance such proceedings. Las

[12] Summary, fs. 53, 104.

Casas was also unwilling to supply the powder for the salute on the 19th, and finally did so only on express orders from De Lassus. Celestino de St. Maxent, according to Metzinger's later testimony, reported Crocker's alleged exactions to the executive and was, in effect, told to mind his own business. Crocker himself later tried to show that he had remonstrated with De Lassus about the ruined condition of the fort, but the other excused it because of lack of funds.[13] This statement, however, has the appearance of being an afterthought.

While the convention was preparing its statement for De Lassus, additional alarming tidings came from Bayou Sara, the storm center. A certain John Murdock discovered a broadside affixed to a tree and reported the matter to a constable. When this official arrived at the spot, the paper had been removed; but Lennán, the curate, later secured a copy and sent it to De Lassus. At the same time Estevan, the commandant, expressed his anxiety over the critical situation in which he was placed, and begged De Lassus to send him a boat in which he and his garrison of "four unhappy soldiers" might retire if necessary. He was ready to sacrifice himself, but he did not care to have his men become unnecessary victims of public vengeance. He also suggested that De Lassus should get a "proper person" to translate the broadside and

[13] Summary, fs. 60, 76, 77, 205, 247–251.

strive to counteract any possible mischief from it.[14]

The anonymous proclamation that aroused Estevan's apprehension was signed "The friend of the people." It began by saying that the man who destroyed it deserved to live forever under a despotic government. The writer then urged the people of Florida to declare themselves independent, just as the people of Spanish America were doing. He drew unfavorable contrasts between the administration of justice in their territory and in the United States, and cited cases of forcible imprisonment from which release was secured only by bribery. Those who knew republican institutions should not exhibit less courage than the residents of other Spanish colonies. He referred sarcastically to Ferdinand VII, absent on a visit to his friend Bonaparte, and intimated that the Floridians should throw off allegiance to him and seek union with the neighboring American territory. The result of such a movement would be to encourage immigration from the United States, elevate the character of the people, and give value to their lands. They had already taken one step toward self-government and should now take another. Having elected men who were recognized as of firm character, just principles, and republican spirit, they should further their efforts to the uttermost. Spanish oppression was no

[14] Estevan to De Lassus, Aug. 14, 1810, Legajo 185, Papeles de Cuba.

more. They might freely communicate with each other and adopt a form of government that afforded them protection and liberty. For this purpose, let them form little parties among their friends and send to other representatives the report of their action. In this way the convention would know that the people were ready to sustain them in every step toward independence and would proceed to that end with firmness and decision. As their representatives had already heard from those who wished to continue the Spanish system, they should now be given the views of the friends of liberty and justice. Such communications would be kept secret so that their authors need fear no betrayal.

The writer of this broadside stated that he was known to many of his fellow-citizens, although he withheld his name. Along with others he had long suffered the evils flowing from despotism. He assured them that the party in favor of independence was growing, and that their "brothers of the United States" would fervently rejoice in their return to liberty and a system of "pure republicanism." They should repose confidence in their delegates and sustain their actions, and thus avoid the necessity of calling another convention before they were ready to choose an independent legislative body.[15]

This information from Bayou Sara naturally in-

[15] Robertson, 5172.

creased the distrust with which De Lassus regarded the delegates who came from that locality. A communication received from Shepherd Brown called into question the loyalty of those from St. Helena and Tanchipaho. The people of these localities were aroused by a report that the former commander, Hevia, was about to resume control on the Ticfau. Their attitude and the report of disturbances in New Feliciana also led Brown to distrust his militia officers. The representatives from his locality had joined their companions in accepting the proposed legislative reforms, and this exerted a prejudicial effect upon their constituents. Yet Brown felt that the greater portion of the people would be loyal, and only feared that French refugees might cause serious disturbance in case hostilities should occur.[16]

Following Brown's missive came a more alarming dispatch from Estevan. He reported that members of the convention, since their adjournment, were carrying on a sort of referendum among their constituents. As they knew De Lassus could not grant their demands, their action was a virtual "lifting of the mask." Captain Johnston, Estevan had just learned, had ordered his company to be ready to join with others in a march on Baton Rouge. Those who were concerned in this movement were largely "laborers,

[16] Brown to De Lassus, Aug. 19, 1810, Legajo 185, Papeles de Cuba (Robertson, 5174).

low tavern keepers, and traders, captained by the enemies of our government." More than half the people were opposed to this action, but they dared not show their disapproval, nor could the Spanish authorities support them. In a later letter Estevan promised to declare who were the enemies and who the friends of the Spanish régime. At present his life was in danger and he was without resources. De Lassus, therefore, need not be surprised to hear that he had taken refuge at Pointe Coupée.[17]

On the following day, August 21, De Lassus assembled a general *junta* in the government house at Baton Rouge, to consider the critical situation. There were present on this mournful occasion Gilbert Leonard, Celestino de St. Maxent, Raphael Crocker, Francisco Morejón, Luis de Grand Pré, Cristóbal de Armas, and other officers of the military establishment. De Lassus told them that he adopted this course to avoid any calumniating attacks on his own character. Although without resources, he had sought by all means possible to avoid insults to his flag. At the time of his accession to office he had warned his superiors what must inevitably happen. He could not depend on the militia in case of a popular movement, and therefore needed veteran troops. Early in 1809 he had reported that the fort was useless; and

[17] Estevan to De Lassus, Aug. 20, 1810, Legajo 185, Papeles de Cuba (Robertson, 5775).

although nothing alarming had since occurred, he had received no reenforcements nor any reply to his reports.

He had absolutely nothing with which to undertake repairs. The government owed both its employees and its contractors, but the storehouses were nearly empty and the treasury was absolutely without funds. Notwithstanding his utmost efforts he could obtain no credit even for urgent needs. All the patriotic contributions consisted only of promises to pay. When the first rumors of disturbances in Bayou Sara arose, he requested assistance from his superiors, but so far without response. His action in sending special representatives to that district had resulted in a convention from which arose the present demand for a constitution. He had reported this to the consul at New Orleans, but also without result. The new constitution at least professed loyalty to Ferdinand VII. If he did not accept it, he would expose his flag to greater insults and his employees and himself to violence. With his existing forces he could not check the movement. The disturbers of peace, joined by roving vagabonds, would lay siege to the fort at the first moment of opposition and visit their rage on the peaceful inhabitants. The militia officers informed him that their men were on the point of rebellion, and he had advised his superiors of this condition. He thought that the Floridas, like the rest of the

Spanish dominions, were menaced by French intrigues, so that he need expect no aid. In fact, when he informed them that the one drummer of his force had died, they asked him for the drum. His request for powder in the preceding February had elicited nothing more substantial than a promise to send some. Thus at each salute his artillery approached uselessness, even if it had not already reached that point through lack of carriages and other fittings. Pending the decision of his superiors, De Lassus believed that he was under the necessity of accepting the program of the convention, in order to save the province from civil strife. He and his colleagues thought that they could safely do so, with the exception of the provision for salaries, as long as the delegates maintained an appearance of loyalty and seemed to be working to preserve the province for Ferdinand VII. On the first indication of a contrary purpose, he and the others would repair to the fort and defend themselves to the last extremity. Such was the decision reached by the assembled company after two hours' deliberation.[18]

This qualified approval did not indicate that these subordinates assumed any of the responsibility belonging to De Lassus. One who is inclined to believe that the latter did not overestimate the difficulties of his position may still speculate on the action of a more

[18] Report of the Junta in Baton Rouge, Aug. 21, 1810, Legajo 185, Papeles de Cuba (Robertson, 5176).

determined executive. De Lassus then had the tacit support of his associates with the possible exception of Juan Metzinger and Luis de Grand Pré. His superiors were later inclined to doubt his absolute lack of resources. They wondered why he had not told the others of Shepherd Brown's offer to bring five hundred men to his defense. But it seems likely, as Crocker explained, that he lacked confidence in the inhabitants even of that jurisdiction.[19] Then, too, he may have feared that such an appeal would result in a bloody outbreak, which he hoped to prevent by temporizing. In time he might receive sufficient aid to restore conditions as before. Owing to the fact that the great majority of the people were Americans, he could not hope to overawe one portion by appealing to the uncertain loyalty of another.

On the day following this meeting the members of the convention, with but one dissenting vote, passed a resolution which may be regarded as a fresh attempt to grasp power for themselves. Disguising it as a practical expression of loyalty to Ferdinand VII, they told De Lassus that in such a time of danger as now threatened the Spanish monarchy, they wished to contribute to its necessities. They could best do so by assuming their own expenses, and this would necessitate some changes in their form of government. It would be well to allow the people to select represen-

[19] Summary, fs. 206, 228–230.

tatives, who should apportion the taxes and also establish new judicial districts, where rich and poor might receive equal justice without delay. By speedily approving their general plan, he would create confidence, stimulate their eagerness to assist the mother-country, and enable them to avoid threatening dangers. They assured De Lassus of their anxiety in behalf of the national cause and their readiness to obey the laws of their legitimate sovereign when he should be restored to the throne.[20] This action may have been taken at a gathering held at Foulquier's house.

Urged on by the supporters of the new constitution and with the tacit consent of his associates, De Lassus, on August 23, sanctioned the measures taken by the assembly for public security and better administration of justice. This action, proclaimed as a joint agreement pending the decision of the captain-general, gave these measures the force of law. In the interim the executive begged all good citizens to remain peaceful, for he and the representatives were working in their behalf. They had no intention of punishing those who had hitherto been guilty of disorder, yet they would do so in the case of future disturbers of the peace. The name of Philemon Thomas appears among the signatures and that of William Cooper is lacking. On the same date Rhea in-

[20] Representation to De Lassus, Aug. 22, 1810 (Robertson, 5179).

formed De Lassus that the convention would continue to hold its meetings at the house of a certain Egan until they could finish the business on hand, but would notify him if they deemed it necessary to continue their sessions longer or to adjourn elsewhere.[21]

On the 29th the members adjourned to meet again on the first Monday in November. Before separating they took some further significant action. Without any dissent they authorized the establishing of a printing-press and the formation of a medical society. We may believe, however, that the last named organization was not designed to purge the land of the disorders that beset it. Robert Percy of New Feliciana, Shepherd Brown of Ticfau, and Fulwar Skipwith of Baton Rouge were designated as associate justices to act with De Lassus. This seems to be the first time Skipwith's name is mentioned in these proceedings. Joseph E. Johnston of New Feliciana was appointed sheriff, and Andrew Steele registrar of land claims. Gilbert Leonard, Bryan MacDermott, and Daniel Raynor of St. Helena were to be civil commandants. Philemon Thomas was appointed colonel and commandant of all the militia, with Samuel Fulton as lieutenant-colonel, George Mather, Jr., first major, and Reuben Curtis second major. Isaac Johnson was

[21] Robertson, 5178, 5180; National Intelligencer, Oct. 1, 1810; Favrot, in Publications of the Louisiana Historical Society, Vol. I, Pt. II, 44, 45.

major of the cavalry, which was to comprise three troops. The convention was also to nominate judges according to the system in vogue in the United States, and Skipwith's name appears in the list. Thus assuming control of the purse, the sword, and the scales of justice, the convention left little for De Lassus to do, yet it proffered him a salary of three thousand dollars.[22]

In his next letter to Secretary Smith, Governor Holmes reported that contrary to general expectations, De Lassus had sanctioned the measures proposed by the convention. By doing so he had "divested himself of most of the powers of his office," retaining little but the "name and salary." "It can scarcely be necessary to inform you that this surrender of authority was not a matter of choice on [his] part," he added; but as a result of his seeming compliance, De Lassus and the convention jointly published their proclamation describing the new order of things. A knowledge that the harmony indicated by the joint proclamation was a forced one and that a majority of the people favored American intervention led Holmes to predict that their agreement would be of short duration.

According to Holmes, no one thought that the territory could long maintain a separate existence if the inhabitants should declare independence, nor escape the resentment of Spain if that power should regain con-

[22] Summary, fs. 89, 206; National Intelligencer, Oct. 1, 1810.

trol. But they were determined to hazard everything rather than submit to the Spanish officials. The French government was so obnoxious to all parties that it had scarcely an advocate in the province. The friends of Great Britain were numerous, intelligent, and active in seeking proselytes, and especially represented the commercial advantages to be gained by union with that power. He believed that the American party were determined to bring the subject before Congress at its next session, unless the British agents persuaded them to act otherwise.[23] It is interesting to note that this same course of action—an appeal to Congress supported by the fear of British aggression—characterized certain stages of the later annexation movement in Texas and California.

The convention had appointed a committee of three to act with De Lassus in administrative matters until it should reassemble. On September 12 De Lassus addressed these men, Philip Hickey, Thomas Lilley, and Manuel López, in regard to a proposed change in the constitution. He wished to provide for a military official to act in his stead in the case of his absence or disability. This would make no substantial change in the form of government and he hoped they would agree to it. The commissioners objected because it would mean that such an official could perform judicial as well as military functions. They suggested,

[23] Holmes to Smith, Sept. 12, 1810 (Parker, 4381).

therefore, that the matter should be submitted to the convention, which was to meet before the superior judicial tribunal held its first session. As in previous cases, De Lassus apparently acquiesced, although he reiterated his intention not to accept any salary until he heard from his superiors. In case any vacancy should occur in his staff, he and the deputies should determine the question of incumbent until the convention could meet or the captain-general should decide otherwise.[24]

It was about this time that Captain Piernas, Folch's messenger, reached Baton Rouge. He found everything outwardly peaceful, very likely because De Lassus had recently accepted the new constitution. De Lassus showed Piernas that he had been obliged to take this step in order to preserve public tranquility. The other learned that not all the subordinate officials approved their commandant's course. They did not feel that matters had reached such an extremity as De Lassus had represented or that he had taken all the necessary precautions. Piernas heard no specific complaints against his administration, nor did he notice any of those social gatherings devoted to the entertainment of the delegation from Bayou Sara.[25]

Piernas carried back to Folch a long explanatory

[24] De Lassus to Committee of Deputies, Sept. 12, 1810, Committee to De Lassus, Sept. 13, 1810, Proclamation of De Lassus, Sept. 14, 1810, Legajo 185, Papeles de Cuba.

[25] Summary, fs. 242, 243.

letter from De Lassus. The latter felt assured, he wrote, that if the authorities in Pensacola had been in a situation to aid him when he appealed to them in July, they would have sent him reenforcements; but he despaired when he learned that both Pensacola and Mobile were threatened by American invasion and by internal revolt. Because of this double peril and his own inability to trust the surrounding population, he was forced to communicate through the consul at New Orleans, and had done so early in August. By this time he was forced to agree with the convention in order to avoid more serious disturbances. He had hoped that the members of the convention would simply voice their complaints and suggest remedies, but they were not content with such a moderate plan, for they evidently had contemplated another from the very beginning. Yet De Lassus had to agree with them pending the decision of the captain-general, otherwise the discontented element, joined by vagabonds and deserters from the American territory, would have overwhelmed the rest of the population in the ruins of the fort.

Before he was forced to yield to necessity, he had hoped to be relieved of command, as he had intimated to the captain-general. He trusted that Folch would not doubt his loyalty to their unfortunate sovereign. When Governor Claiborne warned him that the French refugees were planning to attack the colony,

he had tried to ascertain who they were, but he did not have enough loyal Spaniards in his garrison to enable him to ferret them out or restore good order. The last letter he had received from Shepherd Brown justified his course, for that official acknowledged that his earlier proposal to assist him with five hundred men would have been pernicious in the extreme, especially after it was rumored that Lieutenant Hevia was to resume command in St. Helena. He had tried to reach Folch through one of Brown's messengers, but had received no word as to the result. This caused him to be doubly grateful for the opportunity to communicate through Piernas. He was unable to meet Folch at the Chifonte as the other suggested, for the people would interpret such a movement as a flight. However, he believed that Folch's presence there would encourage the better element in his jurisdiction.[26]

Morales had characterized a previous letter as an unavailable attempt by De Lassus to save his reputation. The people had violated Spanish sovereignty in electing deputies, and De Lassus had been equally culpable in sanctioning their proposed regulations. Folch, his former friend, believed that De Lassus had failed in every way to forestall a revolutionary movement and had omitted ordinary precautions after he was duly warned of its existence. He employed Philip

[26] De Lassus to Folch, Sept. 18, 1810, Legajo 185, Papeles de Cuba.

Hickey as his agent, when he had every reason to distrust him. He made no attempt to use Brown's offer of reenforcements. He permitted discontent to become general by calling its devotees together instead of crushing it out in the locality of its origin. The intendant was inclined to think that the New Orleans papers were right in charging De Lassus with complicity in this movement, and recommended his immediate removal from command.[27]

Captain Luis Piernas returned to Pensacola during the first week in October. He bore no reassuring tidings from Baton Rouge and definitely alarming messages from the district farther to the east. Among other missives he gave Folch a letter from William Cooper, dated at Tanchipaho, September 12, 1810. The latter felt bound to report the dangerous situation at Baton Rouge. The inhabitants of Bayou Sara, who had been in a rebellious condition since the preceding spring, had finally secured permission to hold a convention which Cooper attended. At the very first meeting some of the members were ready to declare their independence, but Cooper and a few others, constituting a vigorous minority, declared in favor of the Spanish régime. The majority appointed a committee of five to make a code of laws depriving the Spanish officials of all power. From that moment

[27] Morales to Secretary of State for the Treasury Department, Sept. 12, 1810, Legajo 267, Folch to Someruelos, Sept. 29, 1810, Legajo 1568, Papeles de Cuba.

Cooper was certain that the malcontents desired to overthrow the existing system. The greater portion of the people were opposed to this attempt, but De Lassus had put it out of Cooper's power to support them. Hence they earnestly desired the presence of Folch.

Cooper believed that the convention at its next meeting would overthrow the last vestiges of the Spanish system, together with the officials, would establish new laws, and would select its own agents. Accordingly he and Captain Jones desired Folch's presence and protection before the meeting occurred, in order to save the unfortunate but well-disposed inhabitants of the country. This appeal led Folch to determine upon going to St. Helena at once, with a force of one hundred and fifty men. Pensacola and Mobile would be left uncovered, but after once landing in the West, he could readily advance along the lakes toward the storm center. In order to make this movement a success, he determined to ask for reenforcements.[28] Before he sent his message, however, more distressing tidings caused an entire change in his plans.

[28] Cooper to Folch, Sept. 12, 1810, Folch to Someruelos, Oct. 8, 1810, Legajo 1568, Papeles de Cuba.

CHAPTER XI

Baton Rouge—Insurgent and Militant

Up to the middle of September, 1810, the interventionists at Baton Rouge managed to conceal their real sentiments. So far their course resembled that pursued by similar juntas in Spanish America and in Spain itself. The moderate elements were satisfied and the more radical ones appeased by measures that, with as little change as possible in the old system, assured the people a voice in their affairs. But the apparent calm was deceitful. Both Conventionalists and commandant were sparring for time. One of the former charged that "the violent aristocrats and the old American Tories" were arming and organizing to combine with the force that Folch, upon De Lassus' urgency, was leading toward Baton Rouge. Known French and American sympathizers, "not permitted to carry a fowling piece," trembled for their safety and prepared for flight. John Ballinger, a recent immigrant from Kentucky, Thomas, and a few more resolute spirits determined to act ere Folch could arrive, and raised volunteers for the capture of the fort, with or without an order from the convention. A rumor which even Skipwith would not vouch for

credited the Spanish governor with plans to stir up the slaves and enlist the Indians against the popular party.[1] The volunteers hardly needed this threat of civil strife, intensified by the dread of Morro Castle and its dungeons, to say nothing of savage pillage and butchery, to spur them to the task before them.

On the other hand, if we may believe the testimony of his fellow-officials, De Lassus made no attempt whatever to repair the fort or to resist an attempted surprise. His secretary Crocker stated that he had advised the governor to summon all the inhabitants and their negro slaves for the purpose of putting the fort in better shape, but De Lassus refused to do so. He had no engineer, and he was unwilling to incur the expense without authorization from Morales. Crocker pointed out that the junta at Pensacola had passed a resolution which would justify the step, but the executive believed that his only recourse was to gain time by pretended concessions. Crocker then forbore to press the matter.[2]

De Lassus himself frequently mentioned the ruined condition of fort and equipment. There were large gaps in the stockade which constituted its chief defense. As there was no outer ditch, attack was possible from any direction. The gate marked a guard

[1] Ballinger to Toulmin, Nov. 3, 1810, Skipwith to Constituents, Apr. 1, 1811, Madison Papers, MS.

[2] Confession of Rafael Crocker, Aug. 13, 1812, Summary, fs. 246–250.

station rather than an essential point for defense. The arsenals and storehouses were inadequately supplied with provisions and munitions of war, and the officials in charge did not reside within the fort. There were twenty cannon in good condition on the walls and four others scattered through the fort. Two of these, pointing toward the river, were loaded with round shot, and two loaded with grape pointed toward the plain. Other testimony doubled these figures. Two others were charged with powder for the purpose of giving an alarm, but the others were usually unloaded except when used for salutes, as was the case on September 20. Salutes to American gunboats and American officials passing up and down the river were of frequent occurrence, although De Lassus complained that he had little powder on hand. Officers and men alike displayed a lamentable ignorance about the artillery.[3]

The garrison was in as distressing a condition as the fort. Later evidence showed that there were fourteen members of the Louisiana regiment within the defenses on the morning of September 3. There

[3] Summary, fs. 7–103, passim. The testimony on which these and the statements in the following paragraph are based come largely from De Lassus' subordinates, including private soldiers and non-commissioned officers. These references are so numerous and so complicated that it seems advisable not to give what would be only a catalogue of numbers. Single definite references will, however, be indicated.

were four others in the hospital and two absent from command. In addition to these regulars, whose poor condition De Lassus had frequently reported, ten or twelve men formed a militia guard, changed at frequent intervals, in which the commandant had little confidence. A corporal and three artillerymen under Lieutenant Metzinger had charge of the ordnance. The lieutenant had quarters within the fort, but the corporal and one artilleryman were married and lived outside, as did the magazine guard and his assistant. Nor did they entrust their keys to the keeping of any officials within.[4]

The physical condition of this force was not flattering, nor was its regimen well adapted to preserve discipline. The militia lived in the village and came to the fort only when detailed for guard duty. De Lassus had a corporal and three men around his house, and they were changed every other day. The other men comprising the detail of thirty-two privates and non-commissioned officers from the Louisiana regiment were on detached duty or at the hospitals. Estevan and three soldiers were at Bayou Sara until just before the attack. Captain Crocker had a soldier cutting wood for him under contract some months previous to that event. During this time the soldier did not perform regular guard duty more than twice a month, but he noted that Crocker paid into the piquet

[4] Summary, fs. 2, 218.

fund the money due for his services. Grand Pré had not resided in the fort, nor did De Lassus on succeeding him; nor did Crocker or St. Maxent or Lieutenant Morejón. Lieutenants Luis de Grand Pré and Metzinger were the only commissioned officers within the enclosure.

About the middle of September it was currently reported that the people of Bayou Sara intended to take "friendly" possession of the fort, relieve De Lassus of his command, and administer justice in the name of Ferdinand VII. The reason for this step was the alleged tyrannical course of the commandant and Crocker. It was commonly believed that the former knew of this plan and of the way in which the people regarded his subordinate and himself. After occupying the fort, the Bayou Sara contingent would repair it and pay off the troops. Metzinger later reported a variation of this rumor to the effect that a party of French brigands was being organized in New Orleans to attack the fort. The Bayou Sara militia were to come down and assist in its defense, so that if they were seen approaching the fort they were not to be fired upon. This was evidently designed to allay suspicion if they approached in the night.[5] At least the Spaniards so interpreted it. Despite these rumors De Lassus made no attempt to repair the fort and took no other precautions. Estevan, who reached

[5] Summary, f. 207.

Baton Rouge with his slender force on September 21, found everything quiet there with no signs of preparations against attack. It is little wonder that witnesses who daily observed its unchanging defenseless condition later charged De Lassus with complicity in its capture.

Estevan was relieved of the command at Bayou Sara through the influence of the convention. In obedience to order he turned over the property and the stores there to Major John H. Johnston, and with his four men reached Baton Rouge the following day. Francisco Lennán, who had served as curate at Bayou Sara, accompanied him. When they left the region they noticed nothing out of the ordinary. The people were not gathering arms, but they already had them or readily obtained them from the Americans. There were rumors that they were to meet and choose new officials on the following Sunday. On their arrival Estevan was ill, and took up his quarters at a private house where one of his soldiers attended him.[6]

On the day that this guard left Bayou Sara (Thursday, September 20), De Lassus held his last social meeting with the representatives of that district. Thomas and some twelve others met with the executive, Crocker, and Leonard. None of the immediate officers of the garrison were present, although some had previously attended similar functions. At this

[6] Summary, fs. 4–27, passim.

meeting there was a salute of twenty-one guns, doubtless to commemorate the harmony which existed between the people of Bayou Sara and the executive since his last concessions. Yet in view of the fact that the stock of powder was very low, with no prospect of its being replenished, this salute seems highly indiscreet. Some of the guests from Bayou Sara hastened from this assemblage, while the salute to harmony was still ringing in their ears, to organize the revolt that was at length to break their absurd union with the Spaniard.[7]

The conspirators naturally threw the onus of this revolt on De Lassus. Thomas had intercepted a letter from the executive to Shepherd Brown, which the latter was to forward to Folch. In this De Lassus urged the governor to send an armed force to his relief. While the self-constituted leaders of his former subjects treated him with outward courtesy, they had deprived him of all vested authority and would resist any independent action on his part. The executive's appeal was most natural and so was the subsequent action of his opponents. They affected to believe that he intended to apprehend them and send them to Pensacola on a galley recently arrived at Galveztown. Concealing their purpose from De Lassus during their last conference, possibly held with a design to lull his suspicions, they hastened their prep-

[7] Summary, fs. 12–54.

arations with secrecy and effectiveness. Two days were necessary to bring their plans to fruition. A majority of the convention came together on September 22, and ordered Philemon Thomas to assemble as many of the militia as he could and march against Baton Rouge.[8]

For De Lassus the 22d was a day of frequent but unnoticed warnings. He spent the morning at the house of Philip Hickey, who, with his relatives, the elder and younger Mather, showed De Lassus in an unmistakable manner the hostility of the people at Baton Rouge. Morejón reported that on this morning a messenger from Bayou Sara intimated that the people there cherished the same hostile intent. Between four and five in the afternoon another person arrived with a similar message. John Murdock of Bayou Sara had sent one messenger by water and the other by land. Crocker, the secretary, afterwards testified that he did not know of either of these messages until after the attack, nor did De Lassus take any precautions as a result of the warning. Such conduct seems absolutely criminal, and it is not surprising that the executive was held responsible for the ensuing events.

On the fatal night of the 22d the doomed fort contained a little garrison of twenty-eight men, including

[8] Favrot, in Publications of the Louisiana Historical Society, Vol. I, Part II, 45, 46.

Lieutenants Grand Pré and Metzinger. These officers seemed destined by their presence to be the victims of De Lassus' neglect and resentment. The ten militiamen were stationed at the guard-house with three sentinels on duty. Two of the four artillerymen were present, with four or possibly eight of their twenty-four pieces loaded, but without necessary utensils for firing them. Fourteen non-commissioned officers and privates of the Louisiana regiment, including two of Estevan's squad, were in the citadel. From a defensive standpoint this part of the fort was certainly ill named. On the side nearest the town the gate stood wide open and remained so. Frequent gaps in the opposite wall made that part of the defense useless, and there was no ditch to render the approach more difficult. The magazines were locked and the officers in charge of them were sleeping in town. This was the condition when at one o'clock on the morning of the 23d a third messenger from John Murdock reached Baton Rouge and informed Estevan that the insurgents planned to attack the fort before daybreak. Estevan immediately sent word to Morejón, who in turn informed De Lassus. It was then nearly two o'clock in the morning.

The messenger who went to inform De Lassus paused on his way to arouse the corporal of the guard and to chide him sharply because of his carelessness when the enemy was so close at hand. De

Lassus' house was only two hundred paces from the fort, yet about a half hour elapsed before he appeared, in company with Morejón, and sent the corporal with his guard to the house, bidding him tell any who inquired that he was within the fort. But he did not remain there or take any precautions for its defense. Morejón later testified that before De Lassus sent this guard to his house they went together to arouse Crocker; after De Lassus arranged for the guard, they went again to Crocker's house to order him immediately to the fort. As the executive and Morejón started in that same direction, and while they were still a square away, they heard the shouting and firing with which the attack began. Crocker later claimed that he was then not half dressed.[9]

The warnings of the day had been only too true. In obedience to the orders given him that morning, Thomas directed Major Johnston to assemble the cavalry while he himself hastened to Springfield. Here he found assembled a grenadier company of forty-four men under command of Colonel John Ballinger, "fit to fight a Battle for the freedom of the world." The readiness of this body suggests that all arrangements for this attack must have been made by the 20th, or just after the conference of that date with De Lassus. The leaders secured arms from the American side. At one on the morning of the 23d the forces of

[9] Summary, passim.

Thomas, Ballinger, Captain George Du Passau, with twenty-one horsemen from Bayou Sara under Major Johnston, and Captain Griffith, and five or six other "patriotic gentlemen," numbering about eighty in all, joined together for the attack upon the fort. Thomas Lilley was later reported to be in this attacking force, and some of the Spaniards testified that the rebels completed their preparations at his house. When all was ready, they made the attack about two o'clock in the morning.[10]

From the arrival of Murdock's third messenger, an hour before, great uncertainty prevailed among the officers in the fort. The subordinates claimed that De Lassus himself took no extra precautions, and that his only visit to the fort, which few speak of, was to secure a guard for his own house. The artillery was useless with the keepers of the magazine outside of the fort. Luis de Grand Pré did not credit the tidings of the proposed attack, yet he assembled the members of the Louisiana regiment under his command, and attempted to unite them with the handful of militia at the guard-house. A sergeant hastily summoned from the outside was assisting in this maneuvre when the attack occurred. The sentinel in the rear gave the challenge "Quien vive," while

[10] Summary, fs. 223–225; National Intelligencer, Oct. 26, 1810; Favrot, Publications of the Louisiana Historical Society, Vol. I, Part III, 18; Ballinger to Toulmin, Nov. 3, 1810, Madison Papers, MS.

his fellow at the powder magazine exclaimed, "Here they are now." It was then too late to unite the two small groups that comprised the defenders of the fort. The enemy had crept upon them under cover of the darkness and fog, before the sentinel gave his first challenge.

Shouting "Hurrah, Washington," and bidding the disorganized defenders lay down their arms and surrender, the attacking force, horse and foot, swarmed through the undefended gate and the numerous gaps in the palisade without giving time for any opposition. Thomas said that his men had orders not to fire until they received a shot from the garrison. The Spaniards stated that the members of the attacking party were firing their pistols as they advanced. Both statements may be true. Thomas insisted that his order was "strictly attended to by the volunteers, until they received a charge of musketry from the guard-house" a few yards away, which "was briskly returned." Spanish testimony indicates that Grand Pré gave the order to fire, and possibly he and one soldier discharged their arms. However, whatever he said or did was the signal for his own doom, for he fell almost immediately, mortally wounded by two pistol shots and a sabre cut. At the same time a soldier, Manuel Matamoras, was killed and two militiamen, Francisco Ximenes and Andrés Martínez, were wounded. Lieutenant Metzinger, who was at his

quarters, reached the scene in time to receive two pistol balls. Not a single member of the attacking party was injured. In his report Thomas stated that the firmness and moderation of his men were "equal to the best disciplined troops." Ballinger claimed that two thirds of the enemy fled at the beginning of the attack.[11]

Even the small loss of life on the part of the defenders seems unnecessary. This handful of disorganized men, surrounded and overwhelmed by numbers, had no opportunity to defend themselves. The attacking forces, according to Thomas's report and the testimony of most of the Spaniards, numbered about eighty. Less than half of them were mounted, but they had numbers in their favor and also the element of surprise. Still one must not expect too much of untrained volunteers, who realized that they could not take many chances. Grand Pré had given the order to fire, and his fate was only what every soldier must expect. There is much to justify the suspicions of Metzinger, who narrowly escaped being a fellow victim, that both were sacrifices to the neglect, if not the resentment, of De Lassus. A month before they alone had opposed his policy in yielding to the convention. There seems to be a sort of sentimental

[11] Thomas to Rhea, Sept. 24, 1810, quoted by Favrot, in Publications of the Louisiana Historical Society, Vol. I, Part III, 18; Ballinger to Toulmin, Nov. 3, 1810, Madison Papers, MS.

fitness in the death of Grand Pré, for a suspicion, however unfounded, rested on his grandfather's reputation. He may have felt that the family honor demanded an exhibition of reckless bravery and loyalty. His last full measure of devotion, accentuated by the brutal details of his untimely death, evoked real regret in the region where his ancestor's mildness and justice were fondly remembered. In vivid contrast stood the cowardly course of De Lassus, a course that caused even his friend Folch, who had not adequately supported Grand Pré, to abandon any attempt at defending him.

Meanwhile what was happening outside the fort? According to the later testimony of Morejón, De Lassus and he were about a square away when the attack began. They both ran in that direction, but when they reached the vicinity, they found the rebels already in possession and venting their glee in shouts of "Uurra! Waschintown!" Several parties of horsemen coming from the fort met Colonel De Lassus face to face. "Alas what is this?" he exclaimed. He soon learned, for they seized him with some display of violence and conducted him into the enclosure. Morejón dropped into a convenient gully, where he found the corporal, Andrés Martínez, who had been wounded but who had escaped through one of the embrasures. Morejón then started in the direction of his own house, and soon encountered Crocker with

four or five men as a nucleus for a force to retake the fort. Morejón told him that it was useless, but gave notice where he could be found if needed. Later the two came together on the outskirts of the town, where they watched the rebel cavalry going from house to house, evidently in search of stragglers. The two again separated and Morejón did not see Crocker again. Crocker later stated that at one time he succeeded in rallying a party of twenty men to retake the fort, but the enemy were pursuing him too closely to render this possible; so after vainly attempting to secure some of his household goods, he took refuge with relatives across the Mississippi.[12]

After capturing the fort and apprehending the commandant, a party of thirty mounted men accompanied by eight or ten on foot came to his house, where the corporal's guard was stationed. Firing their guns and demanding the surrender of the guard, the insurgents forced the doors, called for lights, and began a noisy search through the house. When they discovered the strong box with the six thousand dollars that De Lassus had received but neglected to distribute, they broke into cheers. Posssibly the contents of this box determined in a measure the time for attacking the fort. The members of the party did not touch the money themselves but delivered it to their officials,

[12] Testimony of Francisco Morejón, twenty-sixth witness, Summary, f. 100 ff., also declaration of Crocker, ibid., f. 211 ff.

who had it duly counted in the presence of Spanish and rebel representatives. Meanwhile a party of insurgents led by Thomas compelled Las Casas under threats to give up the keys of the magazine. Major Johnston dragged the Spanish flag through the village dust, while it was replaced by the rebel banner, a blue flag with a white star in the center. The same cheers of "Uurra! Waschintown!" accompanied its raising.

The insurgents displayed considerable irritation at failing to find Crocker. His wife experienced some annoying surveillance at their hands, and temporarily the pair suffered the confiscation of their property. Even this was in large measure recovered when the American authorities took possession of the region. Crocker's enemies reported that he had prepared for the overturn by transferring his property to his father-in-law. Later Crocker came to New Orleans to join a force that proposed to recapture the fort. Then he went to Pensacola and tried to reach Havana. His actions did not betray any great fear of his superiors. He frankly informed them that he went to American territory, where his father-in-law lived, because the insurgents were too closely on his track to risk an attempt to reach Shepherd Brown in St. Helena. In view of his subsequent long imprisonment and comparatively mild punishment, his conduct creates a more

favorable impression than that of his superior, De Lassus.[13]

Of the other Spanish officials, Morejón crossed the river and ultimately reached New Orleans, where he reported to the vice-consul. Gilbert Leonard was arrested after four days, but permitted to remain in his home. He was afterwards drafted for the Mobile expedition, but he found a convenient refuge across the river while his son served in his place. Later he settled in the community, and on the following Fourth of July an orator mentioned his name as one dear to every Floridean.[14] Las Casas, the magazine guard, left without orders to guide him, remained in Baton Rouge till the following December and kept a serviceable diary of the chief events that took place there.[15] The wounded Metzinger remained four days in Baton Rouge and then went to New Orleans for treatment. From this city he petitioned for his pay and for retention in the royal service, but wished to remain in New Orleans until cured.[16] The priest Lennán went to the

[13] Summary, passim.

[14] West Florida Papers, MS., 126, Library of Congress. This collection, an important source for the following events, forms part of the Pickett Papers, one of the more recent acquisitions of the Library. Possibly the papers were turned over to Mr. Pickett by some of the later West Florida Claimants. That gentleman seems to have been active in presenting to Congress claims of all sorts. See p. 659.

[15] Summary, f. 75 ff.

[16] Ibid., fs. 202–210.

house of Celestino de St. Maxent, on Bayou Manchac about five leagues from the fort. He reported that St. Maxent, taking no measures to escape, was arrested; and that Estevan retired to his home about eight leagues from the fort. Lennán himself went across the river to the house of Crocker's father-in-law—evidently a popular refuge—but finally reached Pensacola by way of New Orleans.[17] The regular soldiers were imprisoned in the fort as fast as apprehended, but were soon released and mostly found their way to Pensacola. The militia were disarmed and kept in their homes.

Governor Holmes was not greatly surprised when, on September 24, Abner L. Duncan placed in his hands some papers that indicated an immediate rupture between the convention and De Lassus. One of these may have been a copy of the order to take the fort. At midnight of the 25th Duncan again called and informed him that the Conventionalists had captured Baton Rouge and with a force of some two hundred and fifty men were preserving order there. Duncan's information was derived from Dr. R. Davidson of Pinckneyville, whose letter was accompanied by a numerously signed petition requesting a military patrol.[18] The promptness with which this request

[17] Summary, f. 25 ff.

[18] Holmes to Smith, Sept. 26, 1810, Governor's Correspondence, Mississippi Territory, MS., Bureau of Rolls and Library. This with its enclosures is not listed in Parker.

followed the capture of Baton Rouge conveys the impression that Duncan and Davidson had already decided upon this step and that they may have designed it to exert some influence below the line. Davidson even suggested the size of the patrol and the commanding officers.

Colonel Hugh Davis of Homochitto furnished another report of the capture. From the neighboring part of West Florida the men had flocked in such numbers to support the "American cause" in Baton Rouge that their unprotected families appealed to Davis for protection. He professed to fear a revolt among the negroes, encouraged by the Spanish faction, which in time would spread into Mississippi and cause a "Santo Domingo" there. Many American citizens refrained from joining the insurgents only out of respect for the law. If the convention, as seemed likely, should deliver up all deserters and fugitives from justice, it would be well to have a military patrol on the line to apprehend them and protect the law-abiding citizens.[19]

Following this double appeal, Holmes at once requested Colonel Cushing to employ one or more companies of regulars in protecting American interests near Pinckneyville, while he prepared the militia for any emergency. In case of slave insurrection the

[19] Davis to Holmes, Sept. 25, 1810, Mississippi Territorial Archives, MS., Vol. 9.

latter were to patrol the line and apprehend and examine all slaves, but in no case to cross the line or apprehend white persons. Evidently Holmes did not expect many Americans to take part with the insurgents. Contemporary newspaper reports seem to indicate a contrary situation.[20]

On September 29 Holmes received from the state department the long overdue instructions of July 21, together with a duplicate of those of July 12 and those sent to Robertson. He now learned that he had anticipated the wishes of the administration during the past anxious weeks and that he might meet the present crisis, with its possibility of Indian disturbance or slave insurrection, with still greater vigor. Accordingly he prepared to embody all the militia along the border, where his measures met with an alacrity that was promising, though somewhat suspicious. Without deviating from the neutrality he had marked out for himself, he later confessed that the presence of the American regulars and militia doubtless assisted in quieting opposition to the convention. Order was so thoroughly maintained, both above and below the line, that the commanding officer soon withdrew the patrol of regulars to Fort Adams.[21]

[20] Holmes to Cushing, Sept. 26, 1810 (Parker, 4386, 4387); Holmes to Davis, Sept. 27, 1810, Proceedings Executive Council, Mississippi Territory, MS., I; Nashville Clarion and Gazette, Oct. 19, 1810.

[21] Holmes to Smith, Oct. 3, 1810 (Parker, 4383).

In reporting the capture of Baton Rouge to Folch, Crocker attributed that event to the action of the convention party in forcing the people of the upper and lower regions near that center to act with those of the upper district against the Spanish authorities. He understood that the settlers along the Amite and the Comite and in the district of St. Helena, and the better elements generally, were in favor of the Spanish régime. He expected Michael Jones and Shepherd Brown to lead the opposition to the new system and to let Folch know of conditions in their respective districts. Four days later Brown himself informed Folch that the leaders in St. Helena were determined, pending instructions from Folch, to oppose the insurgents. If the latter should come in person to lead them, he assured him of five hundred loyal men who, with a few regulars, would reestablish royal authority in Baton Rouge. With his lack of resources, delay was critical, for the insurgents were disarming the loyal citizens and strengthening themselves daily. He had only a small force at one little post, but expected to begin building another small fort at Springfield on the Nictalbany.[22] Communication from St. Helena or from New Orleans, by land or water, was so difficult that the first week of October had passed before Folch received the distressing information that he

[22] Crocker to Folch, Sept. 24, 1810, Legajo 63, Brown to Folch, Sept. 28, 1810, Legajo 1568, Papeles de Cuba.

already anticipated. This was speedily confirmed by an eye-witness of the capture of the fort. His first impulse was to lead a small force to St. Helena, rally its inhabitants, restore order elsewhere, and punish the insurgents. Morales advised a less precipitate policy. More alarming tidings from Pass Christian that the insurgents had already entered St. Helena and forced Shepherd Brown to flee to New Orleans, and that the American general, Hampton, had prepared eight hundred men for some secret service, gave point to his advice. Accordingly on October 13 he summoned a council of war.[23]

Folch did not fear American intervention. He believed that when the people of Baton Rouge learned that they would have to pay taxes under the new régime—a practice not required by the Spaniards—they would gladly rally round him. Aided by them and by a small force of regulars, he could easily quell the insurrection. It was true he lacked resources, a lack that he had thus far vainly asked Mexico to supply, but he was ready to harken to the demand for protection against domestic violence. He proposed to fit out the two small vessels in his service—the *Comet* and the *Vivora*—and at once to gather provisions for two hundred men on credit, without awaiting the decision of the captain-general. His as-

[23] Folch to Someruelos, Oct. 8, 1810, Legajo 1569, Papeles de Cuba.

sociates approved his plans; but before the end of the week, some refugees who wished to settle in Mobile informed him that Brown had fled. The insurgents, to the number of three hundred, were advancing to the Pearl, and planned by the capture of Mobile to complete the independence of West Florida. The people of Pascagoula made no attempt to defend themselves against their reported excesses. These tidings, although exaggerated, caused Folch to abandon all thought of an expedition westward. He determined, however, to take up his station at Mobile, while his subordinates, with the voluntary assistance of the residents of Pensacola, prepared its fortifications for effective resistance.[24]

Acting upon the advice of the council of war, Folch requested aid from both Mexico and Havana. From the former he received some money but no troops. Someruelos could do even less. When the captain-general learned of the earlier events at Baton Rouge, he agreed with his subordinates that De Lassus had not done his duty and should be deprived of his command. He approved of Folch's earlier plan for restoring order in the Baton Rouge jurisdiction; for if the insurgents gained Mobile and Pensacola, they might send out corsairs to prey on Spanish commerce. When Folch's difficulties increased, however, he could

[24] Morales to Hormazas, reservado, Oct. 15, 1810, Legajo 267, Papeles de Cuba.

send him no aid and could only second his subordinate's application to Mexico. From distant Cadiz, in the following July, came the same complaint of limited resources. As Mexico was also in the throes of revolution, the captain-general was advised to do what he could by appealing to the savages. At the same time the Spanish representatives should make due complaint to the American government.[25] It was not strange that in view of the failure of all outside assistance, the despairing Folch was himself later tempted to abandon his struggle against domestic and foreign enemies.

Meanwhile, as the reports showed, the insurgents were not idle. Every man that could be spared from the plantations rallied at Baton Rouge to support the convention. Thither came reports of opposition gathering head in St. Helena, of Folch's coming, of possible Indian uprising or slave insurrection; but for all that the men were generally in high spirits. On October 2 Thomas received a welcome order to lead fifty men against some of Folch's troops that were expected on Bayou Manchac, and to disperse the malcontents further eastward. These formed a party numbering about eighty that Shepherd Brown had succeeded in enlisting. Some sixteen of these were left in the stockade at Springfield, while Brown used the others to reconnoitre the country. After four or five days

[25] Summary, fs. 103, 104.

he returned, evidently dispirited at his failure to raise his boasted five hundred loyalists, and advised his followers to disperse and save themselves. He set them the example, by taking boat for New Orleans, but was later captured and suffered a brief imprisonment.

Shortly after Brown's flight Thomas and his party appeared before the stockade on the Nictalbany. Its slender garrison fled across the river without any show of resistance, while its leader was captured, and afterwards killed when he attempted to escape. A Captain Michael Jones, earlier called a loyalist, made common cause with the rebels. These killed the stock and destroyed the property of William Cooper, and in other ways showed their animus against him because of his record as a former notorious Tory in North Carolina. The convention desired to avoid all bloody proscriptions and there was comparatively little confiscation or looting of property. With these successes in St. Helena all opposition practically ceased, although about the middle of October there was an ineffectual attempt to stir up a mutiny at Baton Rouge and release De Lassus. The dragoons from Bayou Sara quickly quelled the mutineers and banished them from the province.[26]

[26] Moses Hooker to Holmes, Oct. 1, 1810, Samuel L. Winston to Holmes, Oct. 2, 1810, Mississippi Territorial Archives, MS., Vol. 9; National Intelligencer, Oct. 31, Nov. 9, 1810; Summary, f. 226; Folch to Someruelos, Oct. 23, 1810, Legajo 1568, Papeles de Cuba.

The formal inquiry into the fall of Baton Rouge began at Pensacola in March, 1811. In the following December, while summarizing the testimony already taken, the fiscal at Havana severely blamed De Lassus and Crocker for the type of government they maintained and for their failure to keep the fort in a defensible state. In the latter charge, Metzinger and the unfortunate Grand Pré were also implicated. It was necessary to give the three survivors a chance to defend themselves. When the examination was resumed, in June, 1812, Crocker alone submitted to it in detail. An attempt to secure the presence of Metzinger and De Lassus in Havana was unsuccessful. The latter refused point blank to obey the summons, while the other pleaded ill health on account of his wound. After a long delay, in August, 1814, a courtmartial fixed upon the death penalty for the absent De Lassus, a year's suspension for Metzinger, and six months' further arrest for Crocker. This sentence ultimately received royal approval. De Lassus was thus made the scapegoat for a catastrophe which he could not prevent, but throughout which he had certainly not acted a laudable part.[27]

Following the successful coup at Baton Rouge, the members of the convention assembled at St. Francisville and formally declared the independence of West

[27] The evidence submitted during this series of examinations is collected in the Summary to which we have made extended references.

Florida. In justifying this step they mentioned their earlier desire to remain faithful to Ferdinand VII. To this end they had agreed jointly with De Lassus upon certain regulations for the protection of their territory. These regulations, voluntarily sanctioned by him, constituted a solemn compact, which he tried later to use against them and thereby encompass their ruin. His action absolved them from allegiance to a government that could no longer protect them. In formally declaring their independence, they made the customary appeal to the Supreme Ruler of the Universe, calling upon him to witness the rectitude of their intentions.[28]

Governor Folch, for one, was not greatly impressed by this solemn procedure. Rather he regarded their whole attitude as thoroughly snake like. Most of those who signed the declaration, as he professed to believe, were fugitives from the United States. An appeal to the Supreme Being from such people was a profanation that would cause any government to hesitate long before recognizing them. Moreover the course of De Lassus could not be regarded as violating their joint measures. He was forced to sanction them, and in doing so he went beyond his powers.[29]

One may not agree with Folch's harsh criticism, and yet he may doubt the sincerity of the declaration.

[28] American State Papers, Foreign Relations, III, 396.

[29] Folch to Someruelos, Nov. 1, 1810, Legajo 1568, Papeles de Cuba.

The letters of Skipwith and of Barrow and the concurrent action of their associates show conclusively that it was a logical step toward American intervention. It is true, as Skipwith pointed out, that the people of West Florida had as much right to declare themselves independent as had the people in certain other Spanish colonies. The failure of the United States during the past seven years to make good its claim to the Perdido gave the residents of the disputed territory the opportunity to declare it free. But this was not their main purpose. They wished annexation to the United States, and to this wish the declaration would serve as a convenient cloak. They must act so as to create the impression that its government had not countenanced their measures, and thus it could receive the province from them with undisputed title.[30]

In their formal address to the American government, accompanying their declaration of independence, the members of the convention expressed the hope that the policy of the American government, as well as the safety and happiness of its people, would lead to the immediate incorporation of West Florida into the American union. Congress had so often declared them to be true children of the United States that it could not now abandon them to foreign or domestic foes. Holmes, who acted as their intermediary, called

[30] Skipwith to the President of the United States, Dec. 5, 1810, same to John Graham, Dec. 23, 1810, Jan. 14, Apr. 11, 1811, Barrow to Bedford, Oct. 10, 1810, Madison Papers, MS.

Secretary Smith's attention to the fact that through this application "the views of our government have been in a great measure realized." Evidently he had in mind Claiborne's letter to Wykoff.[31]

While the sentiment at Baton Rouge was overwhelmingly in favor of annexation, its exponents desired some voice in the terms on which it should be brought about. In his letter to Madison, October 10, 1810, John Rhea asked for the pardon of all deserters from the American army, and a loan of $100,000 to be repaid from the sale of public lands. The members of the convention claimed all the unoccupied lands in the territory, for they had risked their lives to wrest the country from Spain. Presumably the United States had relinquished its own claim by acquiescing for seven years in continued Spanish control. If the United States granted their request for annexation, they were willing to be admitted into the Union as a separate State, or to form part of a neighboring territory, preferably Orleans. The United States certainly could not give them back to the Spanish Regency

[31] Holmes to Smith, Oct. 3, 1810 (Parker, 4383); American State Papers, Foreign Relations, III, 396. It is well to note that in the latter source there is no mention of communications from Holmes bearing dates of September 26 and October 3, 1810. Yet Madison could not have received Holmes' later communication of October 17 in time to use it as the basis of his proclamation on the 27th. Evidently the president had some reason for concealing the existence of the earlier communications from Holmes.

or Junta, for it had never recognized that body. Napoleon could not interfere, for he had incited the Spanish colonies to free themselves; nor could Great Britain, for annexation to the United States would keep the country out of the hands of the French exiles.[32]

Madison hardly needed Rhea's latter assurances to determine him in favor of intervention. Nor did the War and State departments perceive any difficulty in extending pardon to deserters and other refugees. But no loan was forthcoming, nor could the insurgents expect the United States to waive its claim to the vacant land between the Mississippi and the Perdido. Its forbearance in enforcing the claim had not in the least militated against it. The government could not abandon to the exclusive use of West Florida lands which were for the benefit of all. It would, however, treat all actual settlers with its usual liberality and would give prompt attention to special needs.[33]

While this decision, when known, would probably check their zeal, the devotees of annexation determined at the outset to leave no means untried to bring it about. Skipwith approached the administration through Bolling Robertson in New Orleans, General John Mason in Virginia, and John Graham in the

[32] American State Papers, Foreign Relations, III, 395, 396.

[33] Smith to Holmes, Nov. 15, 1810, Domestic Letters, MS., Vol. 15, 452, 453 (Parker, 4398).

State Department itself. On the very day that Rhea dispatched his second missive William Barrow reported to his friend Bedford what "rapid strides" they had lately made toward annexation, and expressed the hope that the United States would protect them and annex them to one of the neighboring territories. The present convention was wholly in favor of this step; but another body might not be so. While liberty then had an "enchanting sound" and they were all in high spirits, militiamen were proverbially fickle. Those of West Florida might grow weary, or the convention might become divided, despite the good intentions of its present members. It therefore behooved the United States to act promptly. Bedford reported the substance of this letter to Governor Blount, and sent a copy to Madison with the remark that although the revolution in West Florida was still an experiment, it was working out as predicted.[34]

Barrow's letter seems to have been so timed as to give weight to Rhea's application. Early in the following month John Ballinger, commanding the fort at Baton Rouge, wrote to Toulmin with the same object. After reviewing the events that led the insurgents to declare their independence, and giving some subsequent details, he mentioned the diversion in their councils over the policy of pursuing the campaign

[34] Barrow to Bedford, Oct. 19, 1810, Bedford to Madison, Nov. 8, 1810, Skipwith to Graham, Jan. 14, Apr. 11, 1810, Skipwith to his Fellow Citizens, Apr. 1, 1811, Madison Papers, MS.

against Mobile with vigor or awaiting action by the United States. With regard to the latter policy he said: "I know the minds of the people, their prejudices and their Resources—and to you as an American officer as a friend to the Government I wish to drop some hints. I wish the president and the whole Congress knew the minds of the people here as well as I do. Some may propose one thing and some another, but the Great Mass of the People wants nothing more than to become American Citizens. But they would prefer death Rather than again be subject to any of the dependencies of Spain. The United States certainly has it in their power to obtain this Country and if they do not do so the people will accept of any other protection that they can obtain. Succours are now offered by the French equal to our present wants. And many true Americans who are well acquainted with the Cautious Policy of the United States have no confidence in their interference and are willing to accept. But the Majority will not consent to any propositions till they hear from the United States.

"I could say much more. But I shall conclude by praying that the United [States] may save this Country from the fangs of Joseph Napoleon."[35]

Toulmin brought this letter to Folch's attention, and added to it a stirring appeal: "O, that I had the

[35] Ballinger to Toulmin, Nov. 3, 1810, Madison Papers, MS. This is partly quoted in Toulmin to Innerarity, Nov. 15, 1810, American Historical Review, II, 702.

tongue of an angel, never would I cease to vibrate in the ears of the Spanish officers that by manly efforts on their part they should struggle to awaken the U[nited] S[tates] from their lethargy." As an indirect result of his action and of the Spanish governor's conditional proposal to surrender his province to the Americans, Folch became an indirect ally of the insurgents who were working for annexation.

While awaiting the response to their appeals for immediate annexation, the Conventionalists proposed to change as little as possible the frame of government agreed upon with De Lassus. Yet the members had to maintain the semblance of political control. Accordingly they assumed the powers exercised by De Lassus and placed their seal upon such public property as fell into their hands. This included the chest containing the six thousand dollars, which was to serve as the basis for their finances. To those who had any claim on the money they issued script, redeemable in the future at ten per cent interest. They also provided for a graduated land tax to be levied by the alcaldes of the various jurisdictions. A suggestive piece of legislation was the repeal of the tax on slaves, when introduced by actual or prospective residents of the new State. In place of the unwieldy body of five or six hundred militia that Thomas commanded, the convention, on October 8, authorized John Ballinger to enroll one hundred and four regu-

lars for duty in the fort. This structure was to be made smaller and more defensible. The military committee tried to secure clothing by loan or otherwise from the federal officer in Mississippi Territory, but evidently without success. After appointing John W. Leonard, Edmund Hawes, and John H. Johnston as a committee of public safety, with power to draft a new constitution, the convention took a recess.[36]

On October 10 this committee issued an address to the people of Mobile and Pensacola. In this document they averred that distance had hitherto prevented common deliberation, and announced the appointment of Reuben Kemper and Joseph White as commissioners to bring about united action with their brethren in Mobile and Pensacola. Although they had not yet ventured to legislate for those unrepresented districts, their object was to secure the liberty and happiness of all the people of West Florida. For this reason they wished Mobile and Pensacola to authorize the present convention to act for them or to send deputies of their own to that body. They promised to observe good faith in all measures that served the common end.[37]

Reports that originated with the refugee James Horton, a former opponent of Kemper, and others of his sort, had already alarmed the people of these districts.

[36] Summary, fs. 51, 78, 225, 226; West Florida Papers, MS., 29, Library of Congress; National Intelligencer, Nov. 9, 1810.

[37] Address of the Convention, Oct. 10, 1810, Legajo 55, Papeles de Cuba.

They were told that a force of sixteen hundred men, intent upon murder and plunder, had crossed the Pearl. Despite this manifest exaggeration, many from Mobile crossed the bay or took refuge within the fort. Some who were of French descent requested permission to move above the line, from which direction the Spaniards apprehended double danger—from the American government as well as from the filibusters. In view of the general fear, Folch wrote the captain-general that he must either display greater energy against his enemies or evacuate the province.[38]

While Kemper was on his way from Baton Rouge to Mobile, rumor credited him with the capture of the Spanish post at the mouth of the Pascagoula. This was not true; but a part of the people of that region did attempt to cooperate with him against the authorities at Mobile. On November 10 a number of them issued a statement that they were no longer Spaniards, but were entitled to the privilege of forming for themselves equal and just laws (which they had not recently enjoyed), just as the people of Baton Rouge had done. Thereupon they proceeded to organize themselves "into a form of government on pure Republican principles Calculated to secure the happiness and prosperity of the People." They selected officials who should adopt regulations in accordance

[38] Kemper to John Rhea, Oct. 28, 1810, West Florida Papers, MS., 25, 26, Library of Congress; Folch to Someruelos, Oct. 25, 1810, Legajo 1568, Papeles de Cuba.

with the "principals" of the Baton Rouge Convention and should correspond with that body or any of its agents. Among the thirty-four signers of this declaration were Sterling Duprée, William Eubanks, Solomon Armstrong, and John H. Gray, who were conspicuous in the succeeding events. Sterling Duprée was selected as captain and Eubanks as second lieutenant of the military organization that they formed.[39]

Unable longer to trust the Spanish officials, who had "deviated" from the path of justice, these new insurgents applied to Kemper for assistance through Gray, a man "well calculated for that business." Kemper was more than gratified to receive their application, and immediately wrote Duprée that the action at Pascagoula merited the "highest applause of the convention." He sent copies of its declaration of independence and of its address for distribution. Along with these he sent a copy of the commission just issued to Joseph P. Kennedy, which was to serve as a model for other volunteers; and asked Dupree to give him any information that would strengthen their cause in the region. Gray would inform him when "the star [would] rise and shine upon the [region] south of 31 north latitude." Upon the suggestion of Colonel John Caller he was sending Major William

[39] Perez to Folch, Nov. 14, 1810, Legajo 63, Papeles de Cuba; Dupree to Kemper, Nov. 12, 1810, West Florida Papers, MS., 44, Library of Congress.

Hargreave, a justice of the Baldwin County Court, to act with Caller as Duprée's counsellor, and he urged Duprée to follow their guidance closely. Such volunteers as he enrolled were to take the oath of allegiance annexed to the declaration. He was not to abuse those opposed to the Conventionalists, but to secure their property against loss and give them a fair trial, especially in cases that involved personal animosity.[40] If we may judge from later reports, Duprée did not follow these instructions very closely. Gray's report was so favorable that Kemper authorized the raising of an additional company of volunteers with Solomon Armstrong as captain.

Under the personal direction of Gray and Hargreave, Duprée administered the oath of allegiance to the residents on the upper Pascagoula, who readily took it, and organized a military force to capture the fort at its mouth. The commander of its slender garrison had already placed his men and munitions on vessels, ready to sail for Mobile as soon as the foe approached. In response to additional inquiries from Duprée, Kemper expressed his pleasure at the ready response of the people of Pascagoula to his suggestion, and advised the furnishing of volunteers with wholesome provisions to be paid for at nominal prices. Arms and military stores for the battalion must be obtained by capture or confiscation, giving in each case

[40] Kemper to Duprée, Nov. 12, 1810, West Florida Papers, MS., 44, 45, Library of Congress.

the necessary receipts, and requiring the same from each volunteer to whom they were entrusted. Hargreave and Kennedy, whose "hart" was with them, would give Duprée all necessary advice.[41]

Hargreave not only assisted Duprée to organize his force, but accompanied him down the Pascagoula when he occupied the fort at its mouth and plundered some of the neighboring inhabitants. On his return Toulmin, who had heard of his activity below the line, issued a warrant for his arrest, but could find neither sheriff nor deputy in Baldwin County to serve it. As we shall see, Hargreave met his punishment elsewhere.[42] His more fortunate but equally culpable associate, Kennedy, openly boasted to Toulmin of their prospective force of sixty or more volunteers on the Pascagoula, although he had to confess that only a half of this number lived below the line. Kemper promptly warned Duprée not to communicate with him through the post-office, in which Toulmin served, but to send word through Benjamin O'Neal, whose father had been one of his adherents at Bayou Sara in 1804. He was as safe as John Johnson, Sr., another intermediary, and more conveniently located.[43]

[41] Toulmin to Madison, Dec. 6, 1810, Madison Papers, MS.; Duprée to Kemper, Nov. 18, 1810, Kemper to Duprée, Nov. 21, 1810, West Florida Papers, MS., 54, Library of Congress.

[42] Cf. p. 484.

[43] Toulmin to Madison, Nov. 22, 1810, Madison Papers, MS.; Kemper to Rhea, Nov. 23, 1810, West Florida Papers, MS., 55, Library of Congress.

Duprée's course at Pascagoula was the subject of much subsequent controversy. Some six years later he wrote to Monroe, asking for compensation for his men and himself because they had risked their property and lives to add that region to the United States. Other testimony indicates that the risk largely concerned the property and lives of others. At the end of November, 1810, the very month in which Dupree enlisted in the service of the convention, Joseph Collins presented a petition to that body at St. Francisville in behalf of his client, Elizabeth Wilson. She charged that on November 2 Duprée, Armstrong, and eight others, all armed, seized some slaves, private papers, and $700 in cash belonging to her. This indicates that Duprée was already embarked in lawless plundering for which Kemper's commission gave him a welcome cover of legality. In seizing the fort at the mouth of the Pascagoula, his followers were charged with looting the store of Joseph Krebs, the Spanish syndic. They seized some vessels, loaded them with plunder and slaves, and sent them up the river to his own habitation. There was also a report that some of Duprée's neighbors seized him with the intention of delivering him to the Spanish authorities, but a party under Armstrong rescued him. Armstrong was killed in the skirmish.[44] These events could not have given the

[44] Petition of Elizabeth Wilson, Nov. 28, 1810, West Florida Papers, MS., 60, Library of Congress; Meek MSS., Depart-

members of the convention a very high opinion of their new ally.

Nor were Duprée's operations calculated to give the French denizens of the Pascagoula a high opinion of the American government. For a time, indeed, there was a prospect that they might appeal to the French minister for redress. Duprée not only plundered these inoffensive people to the extent of some ten or twelve thousand dollars, under pretext that he was confiscating the king's property, but continued his exactions after receiving copies of the proclamations issued by the president and Governor Holmes. He restored a part of his plunder, but disposed of the rest above the line. By conveying his property to his brother and availing himself of James Caller's influence, he escaped the natural consequences of his course.[45] The incident presented another complication when the American government moved to occupy West Florida. That the situation was due to Spanish incompetency as well as American ambition does not relieve the United States from the major responsibility for it.

On October 24 the convention reassembled and

ment of Archives and History, Montgomery, Alabama; Toulmin to Madison, Dec. 6, 1810, Madison Papers, MS.; Duprée to Monroe, Nov. 16, 1810, Miscellaneous Letters, MS., Vol. 52, Bureau of Indexes and Archives; Claiborne, Mississippi, I, 305, 306.

[45] E. Lewis to Monroe, Feb. 15, 1812, Miscellaneous Letters, MS., Vol. 36, Bureau of Indexes and Archives.

adopted a constitution based on that of the United States. This was to go into force the following month, and meantime the members appointed an executive committee of five, of whom John H. Johnston had served on the previous committee. His associates were John Mills, Philip Hickey, John Morgan, and William Barrow. This body made St. Francisville its headquarters, but kept in close touch with Ballinger at Baton Rouge. The members charged him to keep the state prisoners and to maintain a strict discipline in his garrison, numbering one hundred and fifteen men. They cautioned him to guard against surprise and fire. He was permitted to salute the American gunboats passing up and down the river. His commissary was to repair "the King's barge" and lay in a stock of provisions. More significant was the order to transfer six pieces of artillery, two hundred muskets, and some ammunition from Baton Rouge to Bayou Sara. Evidently the revolutionary leaders did not wholly trust the population around the former place.[46]

In accordance with their plan to reduce Mobile, the executive committee, on November 12, authorized Philemon Thomas to embody a force of six hundred and eighteen militia for instant service in any part of

[46] Morphy to Secretary of Audiencia, Mexico, Nov. 14, 1810, Historia, MS., Vol. 330, Archivo General, Mexico; West Florida Papers, MS., 28, Library of Congress; Summary, fs. 78, 80.

the territory. He was to appoint the necessary field officers when the force should be mustered for a formal campaign, provide for the payment of the men as regulars, and resort to a draft if the number of volunteers failed to equal the desired quota. In this operation they proposed to use a part of the six thousand dollar fund; and in addition their agents in New Orleans, under the guarantee of Abner L. Duncan, contracted for supplies to the value of a thousand dollars.[47]

The new authorities in West Florida suspected the loyalty of the French refugees. In their behalf C. M. Audibert assured the convention that their previous attachment to Bonaparte was feigned, in order to worry the Spaniards. They were now ready to shed their blood in defense of the common cause, and by wise distribution of some of the vacant lands among them, they might be enlisted in driving the enemy out of the province. By the middle of October the convention was ready to undertake this task. As Mobile was within the limits claimed by the United States, its reduction would strengthen their request for annexation. For the sake of completeness they were also ready to undertake the siege of Pensacola.

Some of the leaders of the convention were not in favor of the Mobile campaign. They preferred to await action by the United States on their application

[47] West Florida Papers, MS., 42, Library of Congress.

for annexation rather than pursue further aggressions against the Spaniards. This may account for the significant change in the membership of the executive committee after the second session in October.[48] In pursuance of the determination they agreed to supplement Kemper's efforts by two agents in New Orleans. These men were to purchase and equip two vessels to prey upon Spanish provision vessels on the lakes and the Gulf, and were also to enlist French and other privateers in the same service. Having provided these with the customary commissions, they might hope to provision their own army from the prizes and pay all the expenses of the campaign, especially if they captured the vessels carrying money from Pensacola to Mobile.

The New Orleans merchants, as usual, were willing to profit by these irregular operations, but they demanded more tangible security than West Florida paper. If the commissioners furnished this they could obtain two schooners, valued at $50,000. In addition the commissioners would need $3000 for equipment and bounties. They could obtain experienced men, who would give a good account of themselves in storming a fort, but they must pay them ten or twelve dollars apiece on enlisting. They must also advance the privateers a supply of ammunition, to be repaid from captures. Accordingly they urged the immediate es-

[48] See p. 428.

tablishment of an arsenal at the mouth of the Amite whence they might obtain regular supplies and whither they might convey their prize cargoes.

These agents encountered serious opposition from British and Spanish interests. Like Kemper, they were hampered by a failure to receive information or definite instructions from Baton Rouge. But their most serious difficulty was a lack of money or credit. Abner L. Duncan vigorously seconded their efforts, but was unable to dispose of the West Florida state paper. Even the appointment of John McDonough as a second agent did not afford any material relief. The possibility of raising some money by buying goods on credit and selling them at auction for cash appealed to Mills and Audibert as the only way out of their difficulty, despite the ruinous discount involved in the process. As the latter pointedly reminded Skipwith, the new governor, "Arms and men cannot be provided with prayer and war cannot be made without money." They even determined to commission their recruits to attack the Spanish provision vessels in pirogues. But this modest method of initiating naval operations was denied them. The unexpected tidings of the American intervention suspended their functions although it did not put an end to their anxieties. The owner of the two schooners for which they had bargained was unwilling to release them from their contract, although he received on it nothing more substan-

tial than West Florida securities. They could not pay other bills they had incurred, to say nothing of a thousand dollar draft from Samuel Baldwin, the naval agent. The disgusted commissioners seized the first opportunity to retire from so dishonorable a situation, and in this inglorious way brought to an untimely end the naval operations of West Florida.[49]

Nor did the principals of this embryo State have a more agreeable experience. On Saturday, November 10, the people of West Florida elected their senators and representatives. At their first meeting the former classified themselves by lot. The senators-to-be from Mobile were to constitute the first class; John H. Johnston and John Rhea the second class; and Philemon Thomas and Champney Terry the third class. Leonard was made president *pro tempore* of the Senate and Dudley Avery, speaker of the House of Representatives. On November 26 the legislative assembly elected Fulwar Skipwith as governor of the State.[50]

As Skipwith afterwards explained, this honor was not of his seeking. After losing his place in Paris through Armstrong's vindictiveness, he had come to West Florida to recover his family fortune, jeopard-

[49] Mills and Audibert to Skipwith, Dec. 4, 6, 7, 10, 14, 1810, West Florida Papers, MS., 73–93, Library of Congress.

[50] Morphy to Secretary of Audiencia, Mexico, Nov. 14, 1810, Historia, MS., Vol. 330, Archivo General, Mexico; Summary, f. 80.

ized by his brother-in-law's mismanagement. Aside from a share in the Maison Rouge grant in Louisiana, he had no other property interests than his estate at Montesano, near Baton Rouge. He was in no sense a mere land speculator as his enemies charged. His former official position and his connection with the Randolph faction in Virginia politics made him a desirable acquisition to the American contingent in West Florida. De Lassus had been friendly to him but would not grant him a legal residence. In common with most of the reform leaders, he had favored the "compromise" agreed upon with De Lassus and had accepted the office of associate judge under that agreement. He supported the declaration of independence from principle and because he believed that this was the best way to turn the province over to the United States. He accepted the governorship, not from vanity, but because he hoped with the aid of Dr. Andrew Steele and other patriots to avoid anarchy and confusion until annexation could be consummated.[51]

In his inaugural address Skipwith did not content himself with "ordinary profession," but advised the legislative assembly to adopt a better judicial system, an improved militia establishment, and a more just system of representation and apportionment of taxes. The last named object was especially necessary in view

[51] Skipwith to Graham, Dec. 23, 1810, Jan. 14, 1811, Skipwith to Claiborne, Dec. 10, 1810, Madison Papers, MS.

of the measures already under way for the reduction of Mobile and Pensacola. He reminded his hearers that they had a "natural right" to independence, but that neither gain nor the implied promise of protection led them to take this momentous step. Having displayed a sincere desire for reform and a determination to adhere to a policy once initiated, he urged his hearers to continue a course so honorable to themselves, and closed by promising them his hearty cooperation.

If Skipwith was conscious of playing a farcical part, he was wholly serious withal. A careful perusal of his turgid address and subsequent voluminous letters gives one the impression that while he was no great genius, he was wholly sincere in pursuing his tortuous program of annexation. One extract from his inaugural address is illuminating: "Wherever the voice of justice and humanity can be heard our declaration and our just rights will be respected. But the blood which flows in our veins like the tributary streams which form and sustain the father of rivers, encircling our delightful country, will return if not impeded to the heart of our parent country. The genius of Washington, the immortal founder of the liberties of America, stimulates that return, and would frown upon our cause should we attempt to change its course."[52]

[52] A copy of the address, printed at Natchez, is among the Madison Papers.

The new executive found much to employ his time during the week following his inauguration. Kemper and the commissioners in New Orleans were urgent in their demands. On November 28 the draft for the Mobile expedition began. On the 30th the captain of the artillery reported upon its condition. On the following day the militia board filled the vacancies in the list of officers and made the necessary assignments. On December 3 Skipwith nominated Samuel Baldwin of St. Helena purser and naval agent to take charge of the armament being prepared at Springfield and in the Chifonte River. On the 4th he gave instructions to Joseph Collins, who was to command the naval forces. After examining the artillery at Baton Rouge to determine what he could use against Mobile and Pensacola, Collins was to go to Springfield and Chifonte and confer with Baldwin upon the vessels for this service. At New Orleans he was to arrange with Mills and Audibert for their purchase and equipment. When ready he was to proceed with the squadron to Dog River in Mobile Bay and cooperate with the land forces there. He was not to molest the property of friendly persons, but could make lawful prize of the enemy's possessions. All captures must, however, be brought before a prize tribunal to be established on Mobile Bay or on the Chifonte.

On December 5 some fifty-five men marched away from the garrison at Baton Rouge to join the forces

assembling at John Stuart's plantation. They left twenty-five men behind them in the fort under Lieutenant Charles Johnson.[53] On the same day Skipwith began a letter to President Madison, to whom he said that he feared the wishes of the people of West Florida had not been properly presented. De Lassus' course had made necessary their declaration of independence, but at the same time the greater part of the inhabitants realized that their only hope for the future lay in annexation to the United States.[54] Before he could dispatch his explanatory missive, he learned that the United States had already taken steps to bring this annexation about, but in a way hardly satisfactory to himself or his associates.

[53] West Florida Papers, MS., 62–70, Library of Congress; Summary, f. 80.

[54] Skipwith to the President of the United States, Dec. 5, 1810, Madison Papers, MS.

CHAPTER XII

Filibustering Operations on the Mobile

Baton Rouge was the political storm-center of West Florida, but the Mobile region was seldom free from a secondary tempest. This was true during the trying days that we have described in the three preceding chapters; but along the Mobile it was peril from without rather than from within that worried the Spanish authorities. In 1810 there were indeed rumors that some malcontents in Pensacola planned to assassinate Folch and Morales, but nothing happened.[1] The transfer of troops and munitions of war to the American garrison on the Tombigbee gave rise in 1809 to some correspondence between Wilkinson and Folch, and between the latter and Someruelos. Porter and Folch had at the same time discussed the reciprocal return of deserters. They in time drifted into a discussion of the American claim to West Florida. Someruelos, to whom Folch referred both questions, warned him to avoid fruitless discussions that could only stir up bad feeling. He did tell him that de-

[1] St. Maxent to Someruelos, reservado, No. 157, July 10, 1810, Legajo 1574, Papeles de Cuba.

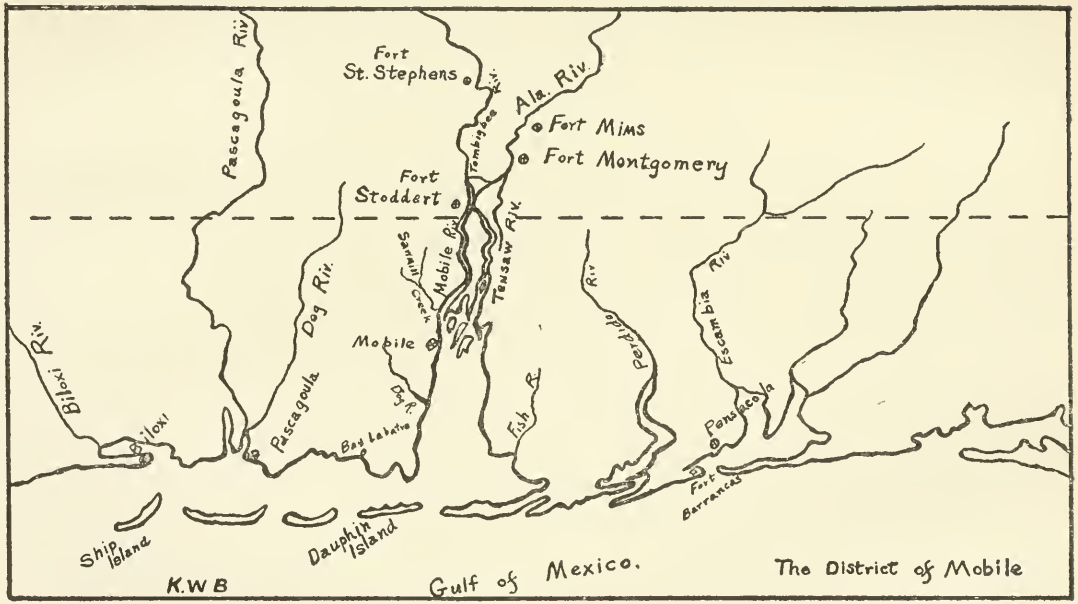
serters could not be returned without a special treaty to that effect.[2]

In February, 1809, Macon of Georgia introduced into Congress the irritating topic of Mobile commerce. This gave Foronda a chance to deny that the Americans had any right to navigate that stream without paying duty, as the inhabitants of its upper courses desired. In a month he in turn protested against the detention of Spanish vessels at New Orleans. When Claiborne later permitted them to proceed to Baton Rouge as a special favor, Morales asserted that he did so simply because his government claimed West Florida.[3] Holmes, newly settled in his post, feared that the Spanish adherents among the Choctaws proposed to unite with the Creeks in an attempt to cut off American travel between Nashville and points in his territory. Echoes of the feud between the Kemper and Horton families disturbed both sides of the border at Pinckneyville, and led Holmes to employ regulars there for patrol duty.[4] Of internal disturbance at Pensacola or at Mobile there was little evidence. The

[2] Folch to Someruelos, June 23, 1809, Legajo 1566, same to same, July 7, 1809, Legajo 1567, Papeles de Cuba.

[3] Foronda to Madison, Feb. 12, 1809, Spanish Notes, MS., II, Bureau of Indexes and Archives; Morales to Garay, Aug. 14, 1809, Legajo 267, Papeles de Cuba; cf. American State Papers, Foreign Relations, III, 341.

[4] Holmes to Cushing, Sept. 21, 1809, same to Smith, Oct. 22, 1809, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1.


Fort St. Stephens
Ala. Riv.
Fort Mims
Fort Montgomery
Fort Stoddert
Pascagoula Riv.
Tombigbee Riv.
Mobile Riv.
Tensaw Riv.
Sanaill Creek
Dog Riv.
Mobile
Dog R.
Bay Labatre
Pascagoula
Biloxi Riv.
Biloxi
Fish R.
Perdido Riv.
Escambia Riv.
Pensacola
Fort Barrancas
Ship Island
Dauphin Island
Gulf of Mexico.
K.W.B
The District of Mobile

timely arrival of some fifty thousand pesos from Mexico gave the overwrought Folch a little relief.[5]

In August, 1809, Folch gave the captain-general another view of the ever-present American peril. Between two and three thousand boats annually descended the Mississippi, each one manned by at least four persons. This meant a reverse current of six thousand men returning overland through Baton Rouge. He could keep them out only by erecting two powerful military posts on the Nictalbany and the Chifonte. Another stream of these undesirable immigrants, from Georgia, the Carolinas, and even Virginia, passed through Pensacola and Mobile, whence they took passage by sea to New Orleans and points to the westward. If he attempted to force them back after their long overland journey, he would only cause them to combine in armed bands, with Indian recruits, and betake themselves to the unprotected harbors for embarkation. If resistance should lead to the death of a single Indian, a war with the savages would result. With his present forces he could not make headway against a combination of Indians and frontiersmen, and judged it better to allow the latter free use of the Florida highways. This was one of the inconveniences brought upon them by the cession of Louisiana.

This exterior peril seemed to cause little disturb-

[5] Folch to Someruelos, Aug. 3, 1809, Legajo 1567, Relation of Donation, etc., 1809, Legajo 1568, Papeles de Cuba.

ance at Pensacola or at Mobile. Subsequently there were some rumors of personal violence to Folch and Morales, as we have seen. But in November the timely arrival of some fifty thousand pesos from Mexico, supplemented by contributions from loyal residents of the two settlements, gave the despairing officials some relief.[6] In the following spring, therefore, Folch judged the occasion opportune for a necessary trip to Havana. Thus he was away from his post during the initial events that led up to the Baton Rouge Convention. His absence also encouraged an alarming movement nearer home.

On June 20, 1810, Perez, the commandant at Mobile, wrote Maximiliano de St. Maxent, who was temporarily taking Folch's place, that the American settlers in the vicinity of Fort Stoddert had formed what they called the "Mobile Society." It numbered two hundred men who intended to attack and capture the fort at Mobile, plunder the establishment of Forbes and Company, and commit other excesses. The head of the association was a lawyer, Joseph Pulaski Kennedy; and Zenón Orso, a resident of Mobile, was implicated in it. Perez had obtained a partial confession from the latter, and also a letter from Kennedy, inviting Orso to join the society. In the letter Kennedy stated that if Orso wished to become a subject of

[6] Morales to Saavedra, Nov. 30, 1809, Legajo 2330, Papeles de Cuba.

Napoleon and of Joseph, he had only to say so. But he summoned him to strike for liberty and appointed a place for a personal conference.[7]

Perez did not arrest Orso, but placed him under surveillance in the hope of gaining further information. As soon as St. Maxent received his report, he ordered the immediate arrest and examination of Orso, and also of a certain Powell at whose house Kennedy had promised to meet the former. He prepared to send Perez twenty-five additional men from the Louisiana regiment, and authorized him to summon fifty Choctaws to act as scouts and spies, and to employ confidential agents to watch the movements of their American neighbors. Furthermore he advised Perez to seize and secure Kennedy if he could do so without disagreeable complications. St. Maxent also referred the occurrence to Colonel Richard Sparks, the commandant at Fort Stoddert, whose course during the past year had had a deterrent effect upon border outbreaks. In view of the harmonious relations between their respective governments, he requested Sparks to take the necessary measures for breaking up the project. This was Sparks's first intimation of the plot, but he answered that he would watch for its manifestations and observe the course of its reputed leader, who was well known to him. At the same time he called

[7] Kennedy to Orso, June 7, 1810, American Historical Review, II, 700. A Spanish translation is enclosed in Pérez to St. Maxent, June 20, 1810, Legajo 1568, Papeles de Cuba.

St. Maxent's attention to the numerous deserters from his forces in the Mobile district.[8]

As a result of his investigations, Sparks soon became convinced that the society existed, and he took measures to suppress it. He immediately communicated this information to St. Maxent, who made preparations to receive the invaders should they attempt an attack. Judge Toulmin, who had at first doubted the reality of the plan because he did not credit its leaders with sufficient prudence to keep it concealed, afterwards changed his mind, but thought that the precautions of Sparks and the Spaniards had caused its abandonment.[9] The friends of the leaders were at least anxious to save them from prosecution by a temporary suspension of legal processes.

While reassuring the Spaniard, Sparks made a detailed report of this "General and Public Combination" to Secretary Eustis. He expected the conspirators to attempt the seizure of the stores and ammunition at Fort Stoddert, thereby putting the American forces out of commission, and then to attack Mobile and Pensacola. Some of the most popular characters of the vicinity were at its head and the people generally regarded it with favor. He had not been able

[8] St. Maxent to Pérez, June 22, 1810, St. Maxent to Sparks, June 22, 1810, Sparks to St. Maxent, June 27, 1810, Legajo 1568, Papeles de Cuba.

[9] Sparks to St. Maxent, June 30, 1810, Legajo 1568, Papeles de Cuba.

to learn the date of the projected attack, but he believed it to be near, for its projectors were using every possible intrigue to gain adherents. Many turbulent and ambitious characters who had previously shown no bond of union except their hostility to the Spaniards now displayed a sudden and suspicious unanimity in giving public dinners to officers and men of their militia companies. A group of settlers from Kentucky and Tennessee had recently been forced to pay duties at Mobile, and Sparks believed that this event added to the popularity of the hostile propaganda. The immigrants had been detained so long that their provisions and money were exhausted. Their destitution upon arriving at Fort Stoddert excited the pity of the inhabitants and increased the resentment against the Spaniards, to whom the people attributed the slow growth of their community.

In addition, the inhabitants also resented the president's action in regard to the navigation of the Tombigbee and the Mobile. Recently the representatives from Tennessee had presented an address remonstrating against the necessity of making a long detour by way of the Mississippi, New Orleans, and Mobile, instead of a much shorter overland journey from the bend of the Tennessee through the Indian country. The savages daily used these rivers to trade with the Spaniards and were always ready to ally themselves against the Americans. Citizens, the petitioners

claimed, were entitled to equal privileges with Indians. It will be noted that they reverted to the earlier plan of Zachariah Cox. The Indian agents, particularly Benjamin Hawkins, were thought to be opposed to this agitation, but Governor Holmes was in sympathy with it.[10]

A fourth and still more important cause for popular discontent, according to Sparks, was the cunning art of certain demagogues in fomenting disturbances. Instead of attempting leadership in the peaceful development of the country, they preferred "the first position in the ranks of rebellion and [sought] to gain wealth and position through general anarchy." Accordingly they represented the general government as looking upon the people of this section with "unfriendly views" and charged that its conduct was dictated by a "cold, jealous policy" that was not conducive to popular attachment. By this means they had been only too successful in stirring up resentment.

Sparks stated that the Spanish officials were reenforcing Mobile and seeking to gain the assistance of the Creeks and the Choctaws. At the same time his garrison was in a most miserable condition. "Deaths, desertions, and discharges" would soon leave him without men. The soldiers had an "unaccountable aversion" to Fort Stoddert and would not reenlist

[10] Nashville Clarion and Gazette, Aug. 10, 17, 1810; Holmes to Caller, Aug. 22, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1.

there, while the same cause produced a remarkable number of desertions. He suggested that his garrison should be increased to four full companies of infantry and one of artillery. If this were done at once he might overawe the projected expedition. In a postscript Sparks described the leader of the "Mobile Society," Kennedy, as a leading lawyer, "once the son-in-law of Abraham Baldwin, Sr. . . . and also brother-in-law to Joel Barlow. . . . He is a young man, educated in the Eastern States, ambitious, intriguing, and popular; and although without real talents, yet in a seditious intrigue, or for the low arts that secure popularity, he must be acknowledged eminent. He is a man of engaging address, popular manners, and daring, and although I doubt his *capacity to conduct,* yet I am well assured he is seconded by a character who has been several years a resident of this country and well calculated to meet any deficiency of the first."[11]

Sparks may have referred to Colonel James Caller. Some two weeks later Toulmin got possession of a letter showing that Kennedy expected Caller to raise four hundred men for an attack on Mobile in cooperation with a certain McFarland. Kennedy was going to Georgia to arouse public opinion there in favor of the expedition. Carson and Laval were

[11] Sparks to the Secretary of War, July 12, 1810, Papers Relative to Revolted Spanish Provinces, MS., Bureau of Rolls and Library, Department of State.

others who were mentioned as "warm in the business." After taking Mobile the insurgents proposed to hold it for the government or deliver it to the military authorities at Fort Stoddert. As the national authorities would do nothing for them, the people must act for themselves. They incurred the danger of prosecution; but as all were equally involved Kennedy expected only a brief imprisonment, especially with a patriotic judge. He was willing to risk this, in view of the certainty of success.

In transmitting this report to Governor Holmes, Toulmin was uncertain whether it indicated Kennedy's full assurance of success, or, in view of the increasing hazard, a discreet way of backing out. In either case, as he later stated, the preparations of the Spaniards rendered the plot abortive.[12] Holmes had already written to Colonel Caller, on July 31, telling him of rumors about the hostile expedition and expressing the sincere hope that there was no foundation for them. Such an attempt would be bad for the individuals concerned and would compromise the country at large. Accordingly he relied on Caller's vigilance and patriotism to prevent an attempt so disastrous to his immediate neighborhood. Besides this tactful appeal to Caller's better judgment, he instructed Judge Toulmin that the United States would discountenance such

[12] Toulmin to Holmes, July 28, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1; Holmes to Smith, July 31, 1810 (Parker, 4373).

an assumption of authority by all means within its power. He hoped that there was no reason to apprehend such an unlawful aggression, which could only be disastrous to people and country alike. He also reported these rumors to Secretary Smith, but added that there was no evidence to substantiate them, and said that he believed that if such an expedition had ever been contemplated it was now abandoned. He assured the secretary, however, that he would employ all means in his power to discover and suppress any such action.[13]

Meanwhile the arrest of Orso and Powell at Mobile led Kennedy to show his ability to stir up trouble, if not to profit from it after it was under way. Under date of July 19 he wrote Cayetano Pérez, the commandant at Mobile, that he knew the other possessed a copy of his incriminating letter. In the name of the Mobileña, he informed the other that no American citizens would attempt to attack the fort without the consent of the general government. If this should be given, Kennedy would do his duty as a public official, after giving Pérez due notice of his purpose. The Spaniards would be unable, by a threat of Choctaw help, to continue terrorizing the Americans, "who are free men and soldiers." Although the latter desired the good fortune of the subjects of the "ex-king of

[13] Holmes to Toulmin, July 30, 1810, same to Caller, July 31, 1810, Proceedings of Executive Council, Mississippi Territory, MS. Vol. I.

Spain," they objected to further restriction simply because the Spaniards held territory that his government lawfully claimed. He was surprised at the arrest of Orso and Powell and absolved them from any knowledge of the Mobile Society. To relieve the Spaniards of any unfounded fears, he told Pérez that he was preparing to visit other parts of the United States and would not return until October.[14]

Toulmin mentioned Kennedy's intention to visit Georgia. It was also confirmed, but hardly in a way to quiet Spanish apprehension, by a letter that James Innerarity wrote his brother John at Pensacola. Innerarity believed that Kennedy was going to Georgia to secure aid for the society of bandits of which he was head. The four hundred members of this society were supposed to have some connection with the insurgent leaders at Baton Rouge, and they were not omitting their preparations during Kennedy's absence. Although Kennedy was not likely to get much assistance from the Georgians as a whole, a man there of violent temper, named Troup, was supposed to favor the cause. In time Folch learned of these facts, and in reporting them to his superior emphasized his lack of resources to meet the emergency, and suggested that Someruelos should appeal to the American govern-

[14] Kennedy to Pérez, July 19, 1810, American Historical Review, II, 700.

ment to break up the plot.[15] Governor Holmes was much concerned for the deluded citizens whom Toulmin and Sparks implicated in it. The national government would undoubtedly direct its attention to the serious events that were then under way in West Florida. Any private attempt to invade the province might injure the people of Mississippi, particularly those residing on the Mobile. "I entreat you therefore," he wrote Toulmin, "to impress upon the public mind the danger that would attend such an expedition as you seem to think may be in contemplation."[16]

In time President Madison learned the substance of the reports from Sparks and Toulmin. He informed John Graham, who was now chief clerk of the State Department, that Sparks's letter should form the basis for instructing Governor Holmes to do his part in maintaining the laws. As for Toulmin's missive, he suggested that the State Department should examine the law applying to such illegal expeditions, in order to determine how to suppress this one. He later wrote to Toulmin that information was less definite in regard to the expedition and he was glad of it. Such attempts were unlawful, and as chief executive it was his duty to employ force against them and to make an example of their leaders. Secretary Eustis,

[15] Folch to Someruelos, Aug. 2, 1810, Legajo 1568, Papeles de Cuba.

[16] Toulmin to Holmes, Aug. 9, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1.

who also received copies of the correspondence, empowered General Hampton to reinforce the garrison at Fort Stoddert at discretion, and if necessary to make use of some troops operating in another capacity on the Muscle Shoals. He felt that the mere coming of reinforcements would disperse the incipient insurgents.[17]

Governor Holmes, of Mississippi, already preoccupied with the situation at Baton Rouge, was determined that the Spaniard should not have all the advantage in the controversy arising on the Mobile frontier. In August one of his militia officers had written him that the commandant at Mobile had assembled there a considerable number of Choctaws to assist in defending it against the projected attack. The Spaniards were also expecting the arrival of British troops to assist them in occupying American territory. Holmes objected to an appeal to any foreign government or to the Indians under American jurisdiction. The Spaniards had no right to interfere with the latter, much less request their help, for this would imply that the Indians might live within the United States and yet act independently of its government. He requested Folch, therefore, not to appeal to them again.[18]

[17] Madison to Graham, Aug. 10, 24, 1810, Miscellaneous Letters, MS., Vol. 34, Bureau of Indexes and Archives; Madison to Toulmin, Sept. 5, 1810, Madison, Writings, II, 482.

[18] Holmes to Folch, Sept. 4, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1.

While penning this remonstrance Holmes notified the militia officers within the disturbed area that he was greatly concerned over the persistent rumors regarding the filibustering attack. The citizens would retard the object they had in view by taking up arms to relieve themselves of commercial exactions at Mobile. The United States could not permit such conduct without abandoning its constitution and laws, and no portion of the country could rightly demand such a sacrifice. He held out the hope that the administration was considering its relation to West Florida and that the next Congress would doubtless act on the subject. Everything would be satisfactorily settled, if no hostility occurred on the frontier. Meanwhile individuals should not hazard their fortunes and reputations in this manner. He asked the militia officers to aid the civil authorities in restraining the few who were likely to attempt it. He addressed Colonel Sparks and Judge Toulmin in the same tenor. Later Pérez reported to Folch that Colonel Caller had already gathered a force of one hundred and fifty men and would soon increase it to three hundred, but he was not able to learn how he proposed to use it.[19]

In reporting to the secretary of state what he had done, Holmes reiterated his belief, based on recent ad-

[19] Holmes to the Colonels of the 6th, 8th, and 9th Regiments, Sept. 8, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1; Pérez to Folch, Oct. 26, 1810, Legajo 63, Papeles de Cuba.

vices from Toulmin, that the proposed expedition had been abandoned. The project had been a very general subject for conversation and many favored it as a means of removing the unpopular restrictions at Mobile, yet he did not think that any considerable number were ready to engage in it. The alarm aroused by the project in Mobile and Pensacola had first led him to think otherwise and to use his influence with the leading characters of the region in order to break it up. To this end he asked Colonel Cushing to send additional regulars to Fort Stoddert. The latter officer told him that he would need an order from the secretary of war to do so, but prepared a detachment for service there at the earliest possible moment. Holmes reported to the secretary that the regulars were in good shape and that three or four hundred might be spared for this purpose. He hoped that they would not be needed, but assured the secretary that he would use his utmost endeavors to prevent any violation of the law.[20]

Toulmin acted before the governor's second warning reached him. In September, 1810, he addressed a most emphatic charge to the grand jury of Washington County on the subject of illegal expeditions. Appreciating the disadvantages under which the country labored, he thought it was absolutely absurd for the people to try to avenge themselves by unlawful means.

[20] Holmes to Smith, Sept. 12, 1810 (Parker, 4381).

Such action was not possible on the ground that West Florida belonged to no prince or state, as some claimed. It was true that the United States had thus far refused to acknowledge the representative of Ferdinand VII or of Joseph Bonaparte and at the same time had remained on good terms with both. Others claimed that West Florida as far as the Perdido belonged to the United States. The judge was one of these, but if the government chose to waive its rights, he did not believe the people of the territory should undertake to uphold them. If the American government must obtain this territory through the people of the Tombigbee, such dependence did not speak well for its power. Its course toward the Burr and Miranda expeditions did not lead him to think that the government was ready to encourage this undertaking. The Spanish representative might draw a different conclusion, but as the judge warned his hearers, there was no assurance that the government would wink at such offenses in the future. Even if the remote situation of the district rendered its people secure from federal interference, he himself was bound by his oath to restrain such illegal attempts.

The judge went on to say that the expedition would exert an evil effect upon foreign powers. If they saw that the citizens had little respect for the national government, they would be emboldened to stir up mischief among them, just as the Spanish emissaries had

formerly done in Kentucky. As the frontier representatives of the nation, the inhabitants along the Tombigbee were under obligations to keep the peace. They were already implicated in the Yazoo affair, and any violence on this occasion would tend to fix that charge more definitely. They should not, therefore, betray themselves by encouraging such an enterprise.[21] This wholesome advice seemed to have the effect of temporarily checking the expedition, but it did not make Toulmin any more popular with the leaders or with their deluded followers.

Meanwhile Someruelos sent a full report of the Mobile Society to De Onís in Philadelphia and asked him to bring the affair to the attention of the administration. The captain-general hoped that the United States would, through its military forces on the Tombigbee, keep the people of the vicinity from insulting the Spanish authorities rather than take occasion to reinforce its various garrisons. De Onís communicated this letter at once to Secretary Smith by conduct of Bernaben, the consul at Baltimore. De Onís said that he did not believe that the United States would allow its citizens to disturb a neighboring friendly power. As the most innocent occurrences might cause disquietude and uncertainty, he wished the president to know what American citizens were planning against the Spanish dominions. At the same time his protest

[21] National Intelligencer, Nov. 7, 13, 1810.

was to be regarded as proof of the utmost friendship for the United States. The captain-general preferred to proceed thus rather than send reenforcements to the Floridas; for despite all explanations, such a movement was bound to be misinterpreted. De Onís also mentioned a rumor that the American officers on furlough were ordered to rejoin their commands and assist in the capture of Pensacola. He asked for an immediate disclaimer of this in order to quiet West Florida officials.[22] In his letter to the captain-general, De Onís added that Bonaparte was evidently trying to force the Americans to take Florida, either through a cession or through a sale carried on by his brother Joseph. By this bribe he would keep the Americans from supplying Cadiz with provisions. De Onís also thought that the administration was working with Napoleon to deceive the people in regard to the Berlin and Milan decrees and thus force a war with Great Britain.

Some ten days later De Onís reported that the secretary of state had first denied the existence of the Mobile Society and then acknowledged that he had heard of it through the War Department. The secretary assured him that the American government would

[22] De Onís to Captain-General, Sept. 30, 1810, Legajo 1708, Papeles de Cuba; Bernaben to Smith, Oct. 1, 1810, Spanish Notes, MS., II, Bureau of Indexes and Archives. The name of this Spanish official is also spelled "Bernabue" and "Bernabeu."

do its utmost to keep its citizens from breaking the peace between the two nations. Yet De Onís was not ready to confide wholly in this assurance. There were many contradictions in the secretary's statement, and he had no scruples in denying what he had said a day or two before. It would not be strange if the American government used Napoleon's method and attempted to gain possession of the Floridas at one blow, so he advised the captain-general to reenforce both provinces.[23]

As a result of these assurances the captain-general informed his subordinates at Pensacola that the American government was about to strengthen its garrisons on the Tombigbee in order to prevent any action by the Mobile Society; and that it would oppose every attempt of its citizens to compromise the peace and harmony that existed between the two nations. It would not merely reprimand, but would also punish vigorously every individual who attacked Spanish vessels or Spanish territory.[24] Some three weeks before this assurance was penned, however, the president of the United States took measures that thoroughly neutralized it. The action, as we shall see, followed the events that were then occurring in the vicinity of Baton Rouge.

[23] De Onís to Captain-General, Oct. 10, 1810, Legajo 1708, Papeles de Cuba.

[24] Someruelos to Commandant of Pensacola, Nov. 19, 1810, Legajo 1574, Papeles de Cuba.

Kemper's mission as agent of the convention opened a second series of filibustering operations in the vicinity of Mobile. Most of the residents of that town viewed his approach with alarm, and especially so soon after Kennedy's project. The alarm was heightened when he came alone, for his associate White was detained by illness. Possibly the latter had been chosen for the diplomatic task, while Kemper was to work among the American settlers on the Tombigbee. His absence did not deter Kemper, who, as he later wrote a fairly kindred spirit, "done as you yourself under similar circumstances would have done, imbarked Hart and soul devoted to the prosecution of the wish of our infant but beloved country."[25]

At Fort Stoddert, which he reached on October 24, Kemper was hospitably received by Colonel Sparks, "an old acquaintance," whom he found "warm" in his cause. Even Toulmin, to whom he bore letters of introduction, did not at first oppose him. As court was then in session at St. Stephens, he had no opportunity for immediate interviews with private citizens. He learned that there were only about fifty soldiers in the fort at Mobile and that part of the artillery there consisted of painted logs. During the dry season the surrounding ditch was useless. A company of

[25] Kemper to Jackson, Nov. 7, 1815, Papers in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library; Pérez to Folch, Oct. 31, 1810, Legajo 63, Papeles de Cuba; National Intelligencer, Dec. 15, 1820.

infantry from Baton Rouge would suffice to take it. The officers at Fort Stoddert assured him that by raising his standard a mile below the line he would speedily enroll enough men from above to do this. He expected to gain as recruits the one hundred and fifty or two hundred citizens in Mobile capable of bearing arms. The officers might resist, although there was little prospect of their receiving reinforcements from Havana or gaining Indian assistance. But an item in the National Intelligencer predicted a bloody encounter should the insurgents attempt to capture the fort without artillery.[26]

Judge Toulmin, for one, did not share Kemper's optimism, although he did not openly tell him so. In a letter to Madison he commended the temperate tone of the convention address to the people of Mobile, and believed that Kemper would have a chance to bring it to their attention. All classes of people there desired a change in government, but few were ready to run the risk of advocating it openly or welcomed the prospect of attendant anarchy. Ultimate annexation to the American Union, which was the aim of the Baton Rouge Convention, was popular in Mobile. Toulmin believed that the Spanish officials there would even deliver their posts directly to the United States, although overtures to that effect from General Matthews of

[26] Kemper to John Rhea, Oct. 28, 29, 1810, West Florida Papers, MS., 25, 26, Library of Congress.

Georgia, special agent of the secretary of war, had failed to elicit a definite response.[27]

To avert possible hostilities and to bring about a "union of interests" between the "Mobilians" and the "Floridians" on the Mississippi, Toulmin determined on an indirect appeal to Folch. His son-in-law, Captain James B. Wilkinson, sent to James Innerarity an account of Kemper's presence and mission. He felt that "the star of the West" would attract myriads of "Boatmen and sharp-shooting Kentuckians," who would be influenced less by plunder than by "an imaginary glory and the novelty of the thing." While he did not know the attitude of the American cabinet, he advised his correspondent to ascertain whether in case of "*extreme* necessity" the Spaniards would accept the assistance and protection of the United States. He promised to write more when he learned Kemper's "genuine object," and solemnly assured his friend that "our Government are perfect strangers to the measures pursued at Baton Rouge."[28]

Toulmin also advised Innerarity that the people of West Florida should apply directly to the American government for protection. This was the only way to checkmate the Conventionalists and paralyze foreign intrigues. The cautious merchant was inclined to

[27] Toulmin to Madison, Oct. 31, 1810, Madison Papers, MS.

[28] Folch to Someruelos, Oct. 30, 1810, enclosing Wilkinson's letter, Legajo 1568, Folch to Pérez, Nov. 2, 1810, Legajo 55, Papeles de Cuba.

think that it would be treasonable to hint at such a thing. Yet if Folch were in Mobile he would not hesitate to broach the subject, for he believed the Spanish governor would weigh the suggestion sensibly and calmly. The merchant wrote Captain Wilkinson that he preferred American control, if a change had to take place, but for the present he was satisfied with their existing government. He and his friends regarded an invasion from the west as a portent of the "anerky" that Kemper threatened.[29] His attitude, as Toulmin believed, was typical of the majority at Mobile. They were alarmed, but cautious, and ready to welcome American control. The officials, as he ascertained during a recent visit, were courteous, but not inclined to political discussion.

Meanwhile Kemper, according to the commandant at Mobile, was attracting adherents to his party and inflaming their spirits. On November 3 he commissioned Joseph P. Kennedy colonel in the service of the West Florida Convention. This was a promotion, on paper, for Kennedy ranked only as a major in the Mississippi militia. The new colonel could appoint his subordinates and with them determine such rules and articles of war as seemed necessary.[30] This free and

[29] Toulmin to Madison, Oct. 31, 1810, Madison Papers, MS.; Kemper to Rhea, Nov. 5, 1810, West Florida Papers, MS., 36, Library of Congress.

[30] Kennedy to the Convention of the State of West Florida, Nov. 3, 1810, West Florida Papers, MS., 32, Library of Congress.

easy method of procedure was in keeping with the temper of the leaders, the character of their respective followers, and the outcome of their quixotic cause. By this act Kemper definitely arrayed himself against Judge Toulmin and the element in the American settlements that stood for law and order.

On the same day that he gained this doubtful recruit, Kemper determined to let the Spaniards know more definitely his "genuine object." After some difficulty he secured a messenger, who bore to Cayetano Pérez, the commandant at Mobile, a copy of the address prepared by the convention. Pérez received this missive on the evening of November 6, subjected the messenger to a rigorous examination, and then dismissed him without a reply. On the same evening he referred the communication to Folch and asked him how it should be answered.

In keeping with the address Kemper offered to enter into any friendly arrangement with Pérez for organizing the people of Mobile along with Baton Rouge into a free and independent government. Since Bonaparte had annihilated the mother-country, they had "a natural Right by the Laws of God and Nations" to adopt such a government as the majority of the people should choose. The inspired "Republicans" of Baton Rouge, he wrote, "are free and are determined not only to make you so but every individual in West Florida." Upon Pérez would rest the responsi-

bility for the ensuing bloodshed should he reject their offer. At the same time Kemper promised him and his officials the same rank and pay they then enjoyed.[31]

Kemper's appeal, with its combined bribe and threat, gave point to the previous American offers of help. Folch determined to address himself to the proper border authorities. He asked Colonel Sparks to break up Kemper's hostile projects within American territory, and thus merit the approval of his superiors and "cement the union and harmony that exists between [their] respective governments." In behalf of this double object he enclosed the same request in a letter to Holmes. Sparks promised "to exert every legitimate power" he possessed to support a good understanding "between his Catholic Majesty and the United States." Toulmin also seconded his efforts by writing to Holmes and to the president.[32]

The receipt by Sparks of a packet from Pensacola aroused Kemper's suspicions. Could he have known of its contents, as indicated above, and of the letters of Innerarity, he would have felt still more uncomfortable. The failure to receive a direct reply from

[31] Kemper to Pérez, Nov. 3, 1810, West Florida Papers, MS., 34, Library of Congress. The same accompanies Pérez to Folch, Nov. 6, 1810, Legajo 55, Papeles de Cuba.

[32] Toulmin to Madison, Nov. 22, 1810, enclosing Folch's letter of the 13th to Sparks, Madison Papers, MS.; Folch to Holmes, translation, Mississippi Territorial Archives, MS., Vol. 9.

Perez was ominous. He inferred that a reinforcement of twenty men had given that officer greater confidence and led him to prepare for vigorous resistance. Yet he believed that the people would welcome a change in government. More disquieting was the possibility of opposition from the American authorities. General George Matthews was in the vicinity on some mysterious errand that seemed to oppose his own. Colonel John McKee, the Choctaw agent, who was later to be closely associated with Matthews, told Kemper that he did not favor his plans, although he would do nothing against them. Kemper assured him that the convention would "maintain the Independents of the Floridas throughout." Sparks let him know that Folch had requested the aid of American troops. Kemper regarded such a possibility as "a discreable [sic] movement" for himself and for every citizen of Florida.

Against these possible discouragements Kemper balanced his new recruit, Kennedy. The latter was the most popular man in the community, was familiar with legal and military matters, and had influential friends in the United States and in West Florida, where two of his brothers resided. They were on good terms with the Spanish officials, but would join the insurgent standard as soon as he gave the word. As proof of his influence Kennedy himself wrote that he was to command the five companies of the Missis-

sippi militia which Holmes was shortly to call into service in his district. He loved his country and the cause of Florida, between which he detected no conflict of interests, and vowed never to prove a traitor to either. Unable to remain silent when men were fighting for liberty, the convention might absolutely depend on him: "my fortune shall be your fortune, your country shall be my country."

Kennedy approved Kemper's plan to reduce both Mobile and Pensacola. Then the convention should make Mobile its capital and send ministers to propose annexation to the United States. If the latter responded favorably the convention had nothing to fear; if not, it would know what to do.[33] His statement shows that he and Kemper, Matthews and McKee, Toulmin and Sparks, the West Florida convention and the Madison administration were all working for a common end, although frequently at cross purposes. The people of the border, aroused by a decade of controversy, only awaited the beckoning hand of a real leader. Judge Toulmin and his friends doubted if Kennedy were the man of the hour. Needless to say Kemper did not agree with them.

Believing that "Prompt and Inerjectick" measures were in order, the two disturbing spirits planned to raise their "star" below the line on Sunday, November 25.

[33] Kemper to Rhea, Nov. 5, 6, 10, West Florida Papers, MS., 36–41, Library of Congress.

Here Kennedy promised to meet the convention troops with two (Kemper said ten) companies of recruits from "the upper country," which was unanimous in voicing its good wishes. With a force of five hundred men and two eighteen-pounders from Baton Rouge, they would "play Don Galves on the fort." The failure to answer Kemper's summons led them to expect a show of resistance, but they had no doubt of easy success. The speedy reduction of the fort would be followed in two or three months by the occupation of Pensacola and St. Augustine.

These energetic conspirators contracted for a boat, powder, lead, and necessary provisions. To pay for these they drew upon Abner L. Duncan of New Orleans, who was thus to suffer the inevitable punishment for too great friendliness. Edward Morgan of New Orleans, their "friend E. Randolph" of Pinckneyville, and John Johnson, Sr., a "good" resident near Fort Stoddert, acted as intermediaries. As Judge Toulmin was postmaster at the last named settlement, they were forced to entrust many of their joint notes to a special messenger, "Major John Mills," who was to be rewarded by a suitable commission in the Floridian forces.

Notwithstanding their apparently thorough organization, they waited in anxious suspense for some cheering word from Baton Rouge. A copy of the proposed constitution for West Florida might serve to "tran-

quilize" the people of Mobile and bring them to support the revolution. Kemper did not know whether they would resist or not, but expected through spies to learn their views and those of the residents of Pensacola before the eventful Sunday when he raised his standard below the line. He was concerned over the failure to hear from Duncan, but that agent was even then forwarding the supplies that the convention had recently ordered. The prospect of obtaining a twelve-pounder from Pascagoula gave him some comfort. Whatever happened now, as he and Kennedy wrote, their cause was "afloat" and they "must not look back."[34]

Kemper was much encouraged by the attitude of the American settlers above the line. At St. Stephens everybody seemed to favor his cause except Toulmin. Those residing near Fort Stoddert, in the fork of the Alabama and Tombigbee, generally promised him their support. Most of them were recent arrivals from Georgia, who bitterly resented the commercial policy of the Spaniards and looked to Kemper to relieve them from its exactions. In the Tensaw settlement they supported him almost unanimously. Their officials openly encouraged him, and in some cases assured him that by going below the line he would place himself beyond the reach of American laws, gain a

[34] Kemper to Rhea, Nov. 19, 1810, West Florida Papers, MS., 46, Library of Congress.

share in the plunder of the campaign, and obtain six hundred and forty acres of land at its close. Some of the militia officers even resigned their commissions to take the same rank in the service of West Florida.[35]

In all of these settlements the filibusters encountered one determined opponent. Toulmin, "the old Exiled Briton," as Kemper called him, warned the prospective recruits that by taking part in the expedition they jeopardized their persons and property and might in the end find themselves under British jurisdiction. In the Tensaw settlement he tried to induce one of the leaders, a certain "Major" Buford from South Carolina, to change his course. The latter promised to do so, but later showed that his promise was worthless. Kemper had a "war talk" with the judge, called him an "old fool" for interfering with his "speculations," and threatened him with the vengeance that he visited on all who crossed his path. As Toulmin had already incurred the animosity of the restless elements in the region by his course the preceding summer, threats and hard names did not deter him from his self-imposed public service. In the existing state of public opinion he doubted the efficacy of the ordinary legal processes. So he made his reports directly to the president, and to Kemper's disgust circulated a letter from Madison in which the latter expressed his disapproval of the earlier proposed expedition. Still Kemper did not

[35] Toulmin to Madison, Nov. 22, 1810, Madison Papers, MS.

regard Toulmin's course as especially injurious. But the judge thought that the other was exceeding the instructions of the convention. He believed that that body had given Kemper blank commissions under the impression that a considerable American population lived below the line. Accordingly he wrote his friend John Ballinger at Baton Rouge pointing out the lamentable effects that might be expected from Kemper's methods. He was inclined to think that Kemper would gain few followers, possibly a hundred in all. These would be "barely enough to begin the work of mischief." They could not take the fort at Mobile, but by a futile attack might jeopardize the people and the property in its vicinity. To avoid this possibility he urged that his friends induce the Spanish officials, if possible, to make a direct application to the American government for assistance. For all of these efforts Innerarity believed that every inhabitant in West Florida owed him a debt of gratitude.

In his stormy interview with Toulmin, Kemper had reiterated his determination to raise the "star" below the line on November 25, whatever the number of his followers. He assured Toulmin that Colonel Sparks had told him that his cause was just and that thousands would flock to his assistance.[36] The leaders needed all the encouragement of this sort they could gather. On November 23 Robert Caller, Jr., informed

[36] Toulmin to Madison, Nov. 22, 1810, Madison Papers, MS.

Kennedy that he could not meet him that evening, although he would be present at "Bunker Hill" (the name adopted for their rendezvous) on the following Sunday. "Don't blot me out of your books yet," he implored. His report of recruits was not particularly encouraging. Captain Jones in the "fork" had a full company, Captain Moffet about fifty men, and a third officer, twenty-two. One, N. Gilmore, "was abusing the expedition with all his might." Kennedy himself intimated that he might be late in reaching the rallying place, and he forwarded some powder, lead, drums, his own trunk containing the colors, and (ill-omened harbinger) a barrel of whiskey.[37]

Kemper had planned to rally his followers on the east side of the Mobile, so as more readily to cut off Spanish assistance from Pensacola. But Folch, leaving the latter place, reached Mobile November 21, and this move gave the affair a different aspect. Yet, determining to pursue the plan agreed upon, Kemper sent one of his followers, Samuel McMullen, to observe the governor's forces and to report upon the disposition of the people. Later he learned that Folch's presence did not seem to make them enthusiastic in the Spanish cause. He interpreted this as a willingness on their part to submit to the convention. From Pensacola, to which town he had sent "Major" Parsons with copies

[37] Kemper to McMillan, with enclosures, Nov. 23, 1810, West Florida Papers, MS., 53, 54, Library of Congress.

of the proclamation, came an agent to report sickness among the officers of the garrison and an utter lack of precautions against attack. Many a resident, like the agent's father-in-law, was ready "to turn his jacket" when the insurgents arrived, or, like himself, had determined to move above the line and await results. "Our Cockade is mounting," exultingly wrote Kemper; but he went on to report the "villainous exertions" of Judge Toulmin, that "base Devil filled with deceptive and Bloody Rascality."[38]

Some details of Toulmin's "Rascality" appear in a later report of Toulmin to the president. He could no longer depend on the militia officers to restrain their men, as he had done the preceding summer, for most of them had already joined the filibusters. Judicial processes were futile, for no jurymen would convict their fellow-citizens for undertaking an expedition against the Spaniards. Even Governor Holmes had failed to answer his recent warnings. The main purpose of his associates and himself was to maintain the honor and dignity of the government. They wished to do so in a legal way. Therefore they had advised the imperilled Spaniards to appeal directly to the United States for protection.[39]

John Ballinger had recently written from Baton Rouge that the convention was divided over the ad-

[38] Ibid.

[39] Toulmin to Madison, Nov. 28, 1810, Madison Papers, MS.

visability of attacking Mobile. This led Toulmin a second time to write to Innerarity and urge "manly" efforts by the Spanish officers to awaken the United States from its lethargy. His argument was clear and compelling: "Could the proposition for the transfer of Florida come from the Floridian authorities, and that from the highest source, surely the cautious policy of the American government, would hold out no longer—and *knowledge of such an overture* would be such an appeal to the patriotism and Americanism of the New Baton Rouge assembly that they could not resist."[40]

As we have seen, Folch had already made overtures of this sort to Sparks and Holmes. He now came on to Mobile to continue them, and possibly to escape the scrutiny of the officious Morales. Thus it was possible for Innerarity to present the situation directly to him. The executive informed the merchant that he had already taken "decisive steps" as mentioned above, and that these afforded the only means of allaying the prevailing discontent. Furthermore he had advised the captain-general to deliver Florida to the United States, "in trust until the conclusion of a treaty in which an equivalent to Spain should be determined and agreed upon." Folch felt that the preliminaries to such a treaty were already under way, and that he was justified in asking the American authorities to

[40] Toulmin to Innerarity, Nov. 15, 1810, American Historical Review, II, 701, 702.

break up the plundering expedition then forming on the Tensaw and the Tombigbee. In addition to these statements Folch told Innerarity that if the Americans above the line gave no assistance, directly or indirectly, to the agents of the convention, he would immediately abolish the commercial duties of which they complained. This action was to take place on the very day he received word that the people of the three counties involved entirely repudiated the expedition of Kemper and Kennedy. If this concession did not wrest the arms from their hands, he could only oppose force to force and continue the duties as before. Only a desire to prevent the shedding of blood "*between men who will probably soon become citizens of the same community*" prompted him to make this offer. In transmitting it, Innerarity hoped it would be successful in stopping Kemper before he crossed the line.[41]

The terms of Folch's offer were rather too sweeping to be effective. In the turbulent American population some would inevitably be found to violate the essential condition that no direct or indirect aid should be given to the Conventionalists. Perhaps the wily Spaniard anticipated this but hoped by his specious offer to persuade the Americans to suppress all filibustering. He feared this rather than the more regular efforts of the Baton Rouge insurgents. His previous

[41] Folch to Sparks, Nov. 20, 1810, enclosed in Toulmin to Madison, Nov. 28, 1810, Madison Papers, MS.; American Historical Review, II, 703.

hints about giving up his province, under certain contingencies, were in keeping with the assurances he now gave, and naturally tended to give the Americans more confidence in them. They would doubtless feel that he was yielding to the inevitable and immediately extend to him the assistance he craved. This protection from Kemper's cohorts would in turn serve to justify his action, should his superiors be inclined to criticise. Above all, some unexpected turn might even yet enable him to maintain his precarious foothold, and this security would more than atone for any apparent momentary weakness.

Accepting Folch's statement in good faith, Innerarity wrote that it would be lamentable to have his intentions frustrated by rash lawlessness or a cold calculating policy on the part of the American government. He urged Toulmin to use every effort with Sparks to prevent the effusion of blood. If they were successful the people of Mobile would hail the American flag with joy; if not, with mourning. Colonel Cushing was on his way to Fort Stoddert, and when he reached Mobile, Folch would explain his intentions "more fully." Innerarity's brother John, residing in Pensacola, also wrote that the additional force Cushing was bringing with him ought to save the province from anarchy. Then within two months it might honorably be annexed to the United States. Such an end, however, depended wholly on the prompt action of the

American government, and those interested in securing this were sending William Simpson to New Orleans as their agent.

Like every other good citizen of the region, Toulmin regarded the commercial duties at Mobile as burdensome, and was ready "to go to any length *under the authority of the government* to get rid of them." The offer of Folch seemed too good to lose. He wrote Innerarity that the leaders of the expedition were simply using public resentment for their own advantage, and he disliked to have the concession appear to come about as a result of their lawlessness. He determined to increase his efforts in behalf of peace. At first he planned to go to McCurtin's Bluff (their "Bunker Hill") and attempt to reason with the men in the ranks. Not being able to obtain a boat for this purpose, he contented himself with sending two private soldiers with letters to the leaders. In addition, acting under a former order of the War Department, Captain Gaines decided to visit Folch and urge him to express his intention in a public proclamation. This would remove, in a regular way, every pretext for action by filibusters.

Before Gaines reached Mobile, Folch had sent Sparks a second request to restrain the lawless characters that threatened him with ruin. He even authorized the American officer to send troops, if necessary, to McCurtin's Bluff, or to any other point within West

Florida. This permission, he said, ought to restrain effectually the "extravagant restlessness" of a "mere handful of people who disgrace humanity," remove any possible misconception of the policy of the Americans, and preserve the existing harmony between their nations.

On the following day, in the course of a personal interview, Gaines promisesd Folch that the American authorities would punish their restless citizens. On his part Folch agreed to levy no further duties on American goods within his district (including Pascagoula). He was led to make this concession because of the desire expressed by the American authorities, through Gaines, to preserve harmonious relations with the neighboring officials. Moreover he professed to believe that a negotiation was then under way for the cession of the Floridas to the United States.[42]

Toulmin, as we have seen, was unable to accompany Gaines as far as the rendezvous of the filibusters. It was well that he did not go, for Kemper arrested his messengers, under the pretext that they were deserters, and later made an insolent demand on Sparks for the correspondence that he and Toulmin had carried on with the Spaniards. Now that the outlaws were under the protection of the "star" and beyond American jurisdiction they might have visited upon the judge the resentment they had been storing up against him since

[42] Toulmin to Madison, Nov. 28, 1810, Madison Papers, MS.

the previous summer. They especially resented his criticism of Kennedy, whose acts, according to Toulmin, "would have hung him in any other country."

The arrest of the messengers and the news of Folch's latest offer spurred Toulmin and Sparks to renewed activity. While the latter sent an officer to recover his men and invited the insurgent leaders to a conference, the judge addressed himself to Major Buford and Colonel John Caller. The former had not proved dependable in breaking up the expedition, of which he was now reported to be a member, but Toulmin hoped he would now take advantage of this opportunity to serve his country. John Caller, though a brother of James, whose similar attempt Toulmin had previously defeated, was a justice of Washington County, and because of his age and position should have assisted in maintaining the law rather than breaking it. But in this hope Toulmin was disappointed. Buford reported Toulmin's communication so as to convey the impression that the judge favored the expedition. The judge later tried to institute legal proceedings against both these men, but was unable to convince the county attorney that his evidence was sufficient to justify the step.[43]

Kemper's shrewd but somewhat terrifying personality doubtless attracted some followers to his standard; his extravagant promises of aid from Baton

[43] Toulmin to Madison, Dec. 6, 1810, Madison Papers, MS.

Rouge gained more; but the compelling motive with most of his recruits was resentment at the rigorous Spanish commercial policy. Yet among the sixty or seventy misguided men, largely recent settlers on the public lands about the "forks" or on the Tensaw, that attended the initial rally at McCurtin's Bluff, there were few that possessed property, or paid duties to the Spanish government or any other. A former Kentuckian, Dr. John Barry, who was regarded as an accomplice, gave Toulmin some information of their movements. The men were in high spirits (evidently Kennedy's barrel had arrived); they forced all with whom they came in contact to declare their sentiments, and breathed out threatenings against their opponents, among whom they regarded Toulmin as chief. A report that the military authorities might hold up a boatload of provisions led Kemper to order it to pass directly in front of the fort. "Let them stop it if they dare," was his challenge. But those in charge more prudently conveyed it by the eastern channel of the Mobile.

Kemper's followers, not numerous enough to fortify any one place, maintained what he called a "moving camp" on the eastern shore of Mobile Bay. He tried to rally the neighboring people to his standard, but the general effect of his presence was to terrorize them and force many to seek safety in Mobile or above the line. Toulmin was credibly informed that "re-

spectable *legal* characters in New Orleans" had advised the convention to reduce Mobile. Yet if Kemper were acting as the agent of that body, the judge could not understand why he also tried to involve American citizens. As irregular levies the latter were absolutely inefficient.[44] Possibly Kemper designed to involve the leaders on the Tombigbee so thoroughly that in case the United States did not recognize the convention they must make common cause with it and add their settlements to the new state of West Florida.

Governor Holmes was too far away to deal effectively with the problem, which thus rested upon Toulmin. He might prosecute the ringleaders, although at some personal peril; but the legislature was about to abolish the district court over which he presided and institute separate county courts, which undoubtedly would favor the filibusters. He doubted his authority to detain boats bound below the line, but he might force those in charge to furnish bail for their good behavior. Under these conditions he could only appeal to Madison. So, too, could his enemies, as E. Lewis demonstrated in a long and intemperate missive assailing Toulmin as a foreigner, whose partiality tended to make all laws contemptible. His

[44] Ibid.; Kemper to Jackson, Nov. 17, 1815, Papers in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library, Meek MSS.; Mendieta to Folch, Nov. 29, 1810, Legajo 1568, Papeles de Cuba.

animus, however, plainly put him in the camp of the filibusters.

In his letter of December 6 Toulmin had naively mentioned with surprise a prevalent report that the American government, through the territorial officials, was encouraging disturbances in West Florida in order to annex the region. Could he have seen Claiborne's famous letter to Wykoff he might have been less astonished, but considerably crestfallen. The aims of the American government, however, in furthering the proceedings at Baton Rouge smacked of greater regularity than Kemper's filibustering projects. The Louisiana Gazette pointed out the fact that the latter might prevent the formal cession of the Floridas to the United States. This possibility caused Madison great concern. Kemper's lawless attempt was not only "repugnant to his wishes" but contravened his plan to occupy West Florida. The administration organ warned the outlaws that their expedition might lead the people of Mobile, who were anxious to become American citizens, to seek a French protectorate. By this means they might save themselves from conquest by the Baton Rouge Convention or from plunder by banditti nominally in its employ.[45]

Folch speedily learned that the insurgents had

[45] Toulmin to Madison, Dec. 22, 1810, E. Lewis to Madison, Dec. 10, 1810, Madison Papers, MS.; National Intelligencer, Dec. 22, 1810; Morphy to Audiencia, Nov. 14, 1810, Historia, MS., Vol. 330, A. G., Mexico.

burned a dwelling and a sawmill and committed other atrocities. He did not think they were strong enough to capture the fort, although they might sacrifice the town in a desperate attempt to do so. After raising the standard the marauder suggested a joint conference upon the best method of securing the liberty of West Florida. This insult proved to be the last straw. The long-suffering executive immediately wrote the captain-general that he absolutely lacked all means to cope with existing conditions. His superior had failed to respond to his repeated requests, because, as Folch believed, he was wholly unable to do so. He himself could not work miracles, so unless he received some assistance before the first of January he would deliver up his province to the Americans.[46]

Folch at once informed Colonel McKee of his intention to treat directly with the president for the delivery of his province. The increasing perils, he wrote, warned him to carry on this negotiation in more positive terms than he had employed in his letters to Holmes and Sparks. He felt confident that McKee, from his personal knowledge of frontier conditions, could give the president much valuable information. Prompt action was necessary to forestall the dangers that threatened both American and Spanish jurisdictions from French agents and Florida insurgents.

[46] Folch to Someruelos, Nov. 30, 1810, Legajo 1568, Papeles de Cuba.

Folch therefore asked McKee to be his personal messenger to Washington. McKee at once conferred with Colonel Sparks and Judge Toulmin. To these men Folch's letter seemed the culmination of hints that the Spaniard had given during the past two years. These hints had already brought an American commissioner, General George Matthews, to the border. They determined, therefore, that McKee should proceed at once to Washington with Folch's offer. At the same time Toulmin sought to disabuse the president of the impression, for which he was partially responsible, that McKee was a former accomplice of Burr.[47]

Folch had already given Sparks permission to use his troops below the line, should such a course be necessary in order to restrain the insurgents. The American commander had courteously declined to avail himself of this permission, without express orders from his superiors, but Folch's desire to make some agreement for delivering his province to the American government caused Sparks and his associates to conceive high hopes from the Spaniard's most recent offer. Yet there was no indication that Folch had lost his usual finesse. He proposed nothing more than to treat for the delivery of his province. It is true that in his letter to Someruelos, he had actually threatened to abandon it unless he were reinforced before the

[47] Folch to McKee, Dec. 2, 1810, McKee to Eustis, Dec. 5, 1810, Letters Received, MS., War Department; Toulmin to Madison, Dec. 6, 1810, Madison Papers, MS.

first of the year. If the captain-general did not approve his purpose, he might forestall it by a speedy response. His failing to respond earlier had led Folch to his resolution, and now Someruelos would be forced to share with him the responsibility for making it. If negotiations were under way for the transfer of the province to the Americans, neither would be held blamable. On the other hand any trifling aid would furnish a pretext for withdrawing his offer. Until that event the Americans would have to defend him from the Baton Rouge insurgents and their irregular helpers.

Although professing willingness to surrender his province to a legitimate government, Folch first wished to chastise all rebels in it. After Kemper's challenge he made two unsuccessful attempts to attack him on the east side of Mobile Bay. The filibuster maintained his "moving camp" altogether too well. But the fates worked against the rebels even better than the governor hoped. Sparks, possibly as a result of Toulmin's "unfortunate interference," had invited Kemper to confer with him in regard to Folch's offer to suspend the duties at Mobile. Kemper delayed nearly a fortnight before complying. The delay leads one to suspect that he did not accept the invitation until prospective failure led him to seek some pretext for disbanding his followers. If so, further disappointment was in store for him. Toulmin placed him

under arrest, along with Caller and Kennedy, whom family illness had called from the disintegrating camp on Saw Mill Creek.[48]

Kemper asserted that Toulmin immediately apprised Folch of their detention. But the Spanish executive had other information of their whereabouts. On the morning of December 10, with a force of one hundred regulars and militia (American accounts add a score or two), he embarked on the river, and late in the afternoon landed about a half league from their supposed camp. After a wide detour he approached the spot shortly after nightfall without being discovered. Possibly the whiskey of which the remnant of the band, some two dozen in number, had liberally partaken did its part in concealing the approach of the Spaniard's force. The surprise was not complete, for an impatient soldier discharged his gun too soon, and

[48] Toulmin to Madison, Dec. 22, 1810, Madison Papers, MS. J. F. H. Claiborne states (Mississippi I, 308), that Kemper was arrested on the instigation of Silas Dinsmoor, the Indian agent, "an accomplished but mischief making man." The Mississippi historian believed that the arrest was uncalled for. Kemper was acting for a de facto government and in his opinion had attempted nothing more than had the leaders at Baton Rouge. If he could have turned Mobile over to the federal authorities, as they turned over Baton Rouge, he would have been as honored as they. The facts as narrated above will show that Kemper did not act on so high a plane as the others, nor did the latter receive what they regarded as their desserts for delivering Baton Rouge to the Americans.

this gave the outlaws a chance to kill two of Folch's men and wound four. The filibusters claimed that the first notice they had of the enemy was a general volley as they lay around their fires. Folch killed four of their number, wounded three, and made seven prisoners. In addition he seized their provisions, standards, and a large boat. In this inglorious fashion the "star" of West Florida disappeared from the Mobile. A few of the survivors were ordered to join the insurgents on the Pascagoula. On their way thither they had a slight brush with a party of fifty Spaniards, whom they chased toward Mobile. This feat gratified their wounded pride, but it did not repair the greater damage caused by their unauthorized acts.[49]

An interesting aftermath to the fight at Saw Mill Creek was the effort put forth by the friends of Hargreave and Sibley, two of Folch's captives, to obtain their release. Claiborne actively interested himself in their behalf, with the approval of the State Department, and John Ballinger and John Sibley seconded his efforts. During the second struggle with Great Britain the treatment accorded them caused the newspapers to threaten war against Spain. Diplomats exerted themselves to secure their release, or at least

[49] Folch to Someruelos, Dec. 11, 1810, Legajo 1568, Papeles de Cuba; John Nicholson to Rhea, Dec. 17, 1810, West Florida Papers, MS., 96, Library of Congress; Nashville Clarion and Gazette, Feb. 1, 1811.

to mitigate their sufferings. As time wore on their more fortunate leaders, among them Kennedy, felt called upon to explain how they escaped a like fate. Apodaca later released Sibley and some others. Kemper made two journeys to Washington in an attempt to secure aid for the remaining captives, and appealed to Andrew Jackson to assist him. He drew an affecting picture of the aged Hargreave, a Revolutionary veteran, who before 1810 had never breathed other than free "American ayre," then loaded with irons and exposed to insult, and forced to hard labor in the streets of Havana.[50] Truly the way of the filibuster was like that of other transgressors.

Holmes had exerted himself so strongly against the expedition of the preceding summer that he was greatly chagrined to learn that Kemper and his associates had persuaded even a few to take part in their ill-considered enterprise. The prosecution of these leaders, he reported, developed some irritation; but in view of the president's measures he did not expect any further attempt against Mobile.[51] Kemper himself, in despair, wrote to the West Florida Convention chiding it for failing to send him instructions, and shortly thereafter learned that his agency was ter-

[50] Kemper to Jackson, Nov. 17, 1810, Meek MSS.; cf. n. 44.

[51] Holmes to Toulmin, Dec. 26, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1.

minated by the demise of that body.[52] His only recourse was to turn his animus against Judge Toulmin, about whom political controversy long continued to rage, or to attempt further unavailing filibustering efforts against the hated Spaniards.

[52] Kemper to Rhea, Dec. 16, 25, 1810, West Florida Papers, MS., 94, 98, Library of Congress.

CHAPTER XIII

American Intervention in West Florida

Popular interest in the fate of West Florida early manifested itself in Kentucky and Tennessee. Neighborhood and personal connections and commercial possibilities—for the people of those States wished an outlet by way of the Tennessee and the Mobile—largely accounted for this interest. In the summer and early fall the newspapers suggested a series of county meetings for preparing addresses to the president on the subject of annexation. It was thought that he was indifferent to the subject, but that he would not interfere in measures to assist the people of West Florida to gain their freedom, provided such measures did not "compromit the peace of the nation." He would not interfere, did they but know it, even without the proviso.

Those who favored this expression of public opinion went on to point out that while the administration was waiting for the people of West Florida to declare and maintain their independence or for Napoleon to dispose of the territory for a nominal sum, British agents might carry away the prize. Premature report already

credited them with occupying Pensacola.[1] Gallatin expected Great Britain to oppose the independence of the Spanish colonies, at least as long as she was warring in Spain's behalf; and in case of repulse in the Peninsula, he expected her to set up a nominal regency in Cuba, where she could favor her own commercial interests at the expense of the Americans and interfere at will in the Floridas. His only suggestion, in that event, was to send Erving to Havana to circumvent English diplomacy there.[2]

Eustis, the secretary of war, was interested in restraining the filibusters at Mobile, so as to advance Matthews's mission. Paul Hamilton of the Navy Department, in September, prophesied "occurrences very interesting to the United States" in the Floridas, and declared that these occurrences must lead his chief to exercise "much circumspection and no little firmness."[3] As Madison was not conspicuous for the latter quality, Holmes's report of the capture of Baton Rouge put him in a quandary. He wrote his mentor Jefferson that he doubted if he possessed adequate powers to deal with the problem, or if he ought to do so before the approaching session of Congress. The successful faction at Baton Rouge had as yet made no advances

[1] Nashville Clarion and Gazette, Aug. 17, 1810; National Intelligencer, Oct. 12, 30, 1810.

[2] Gallatin to Jefferson, Sept. 17, 1810, Jefferson Papers, MS., Library of Congress.

[3] Hamilton to Madison, Sept. 20, 1810, Madison Papers, MS.

to him, but he expected them to do so, or to address Great Britain. In the latter event he felt that he might fairly take possession of Baton Rouge, especially if the British manifested any tendency to interfere as they had done at Caracas. If he did so, he expected to arouse their resentment and possibly bring about a war in which Great Britain, France, and Spain, compromising their differences, would combine against the United States.[4]

The remote possibility that he might indirectly become the peacemaker of Europe did not deter Madison from acting when he received from Holmes a copy of the declaration and address issued by the convention at Baton Rouge. He wisely determined to abandon any thought of awaiting action by Congress some five weeks hence. He must initiate measures for taking possession of the territory at once, not so much to prevent foreign intervention as to maintain order among the turbulent factions composing its population. Fortunately Claiborne, the chosen agent of his policy, was still at hand for advice and personal instructions. On October 27, therefore, he issued the momentous proclamation that translated into concrete action the plausible arguments of the past seven years. West Florida formed part of the Louisiana Purchase. Thus the president reiterated the familiar claim. The fact that the United States had since 1803 acquiesced in Spanish

[4] Hunt, Madison, VIII, 109.

occupancy, had not vitiated this claim. The present crisis threatened it, and moreover interfered with enactments against the slave-trade. The laws of the United States which sanctioned temporary occupation by Spain also contemplated ultimate occupation by the United States. With this in view he directed Governor Claiborne to take possession of the territory; and invited the people to respect him, to obey the laws, and to preserve order, with assurance of adequate protection.[5]

On the same day Smith directed Claiborne to repair at once to Mississippi Territory and there consult with Governor Holmes about taking possession of the region. After creating a favorable impression by distributing copies of the proclamation, he was to organize the militia, form parishes, and establish the necessary courts. For any additional powers he was to look to the legislature of Orleans Territory, to which West Florida was to be annexed. "Should, however, any particular place, however small, remain in possession of a Spanish force," the secretary warned him, "you will not proceed to employ force against it, but you will make immediate report thereof to this Department." Should the people of the territory oppose its occupation by force, the commander of the regular troops was to aid him. Smith promised adequate protection to the people of the territory about

[5] American State Papers, Foreign Relations, III, 395.

to be occupied, provided they acquiesced in the intervention, but his statement that the region "will not cease to be a subject of fair and friendly negotiation and adjustment was likely to arouse their concern." Shortly after Claiborne's departure Rhea's second communication reached the State Department. Smith at once informed Holmes of his qualified assent to the requested pardon for deserters, but warned him not to encourage Rhea's other proposals. The instructions of the president, as we have seen, were to the same effect.[6]

While awaiting the results of its policy, the administration sought to prepare the public for it. A few days before the opening of Congress, the National Intelligencer quoted a letter of October 30 from Washington, Mississippi, urging the earliest possible attention of the government to the situation in West Florida, on account of the danger to American interests from foreign interference. There was a strong British party in the region, but every true American, judging from the recent border activity, was prepared to resist its efforts. The representatives of the people there were preparing to adopt a new constitution and to prosecute a military campaign, but they would joyfully acquiesce in any "claim of dominancy the United States might set up."

[6] Smith to Claiborne, Nov. 5, 1810, Domestic Letters, MS., Vol. 15, 458, Bureau of Indexes and Archives, Department of State.

A few days later, in an obvious attempt to forestall criticism, the Intelligencer stated that the affairs of West Florida, though important, would probably not require any immediate action by Congress. Citizens would, however, "look with anxiety for any communication of the executive."[7] Later in December the administrative organ quoted the opinion of a New Orleans correspondent, that the only rational course to pursue was to take possession to the Perdido. Moreover, if there was the most remote possibility of East Florida's falling into the possession of any European power whatever, the United States should add Pensacola and St. Augustine. Commercial and strategic reasons rather than the intrinsic value of the territory itself dictated this course. In case of war with Great Britain the United States must occupy those ports or yield New Orleans. They afforded excellent harbor facilities and gave easy access to the Creeks and the Choctaws.[8]

Before Madison revealed his hand, even the opposition papers hinted that prompt action was needed to forestall foreign intervention. The New York Evening Post regarded an independent West Florida as preposterous, and looked upon either Great Britain or France as a troublesome neighbor. The Freeman's Journal of Philadelphia thought the declaration vio-

[7] National Intelligencer, Nov. 27, Dec. 1, 1810.
[8] Ibid., Dec. 25, 1810.

lated the vested rights of the United States under the West Florida Claim, a claim that "would assume a serious aspect under an energetic government." In any event Florida must one day become a part of the United States. The Alexandria Gazette also referred to the claim to the Perdido, hinted that the principal hindrance to taking possession arose from the "President's love or fear of Bonaparte," and wished to have the question referred to Congress. Thus the opposing press as well as the administration organ was firm in demanding prompt and energetic measures, although each defined these in its own way.[9]

Meanwhile the agents of the administration were preparing to carry out its policy. On December 1 Claiborne reached Washington, Mississippi, and in two days the printed copies of the president's proclamation were ready for distribution. The two executives regarded the majority of the people of West Florida as anxious to accept its provisions, but felt that it was necessary to provide against intriguing factions and outside adventurers. For this purpose Colonel Covington was to follow Claiborne closely with four hundred troops—all that he could transport at once—while Colonel Pike was to hold the remainder as a reserve. Claiborne was to proceed down the river, while Holmes went overland to St. Francisville, where he would candidly explain to the legislature then in ses-

[9] Quoted in National Intelligencer, Dec. 27, 1810.

sion there the reasons for the president's policy, and endeavor to reconcile the members to it.[10]

After securing the adjournment of the Mississippi legislature without arousing undue curiosity and excitement, and after ordering the militia officers to hold their commands in readiness, including those near Mobile, Holmes set out for St. Francisville on the evening of December 4.[11] On the same evening Claiborne reached Fort Adams and began to prepare his own escort. He also instructed Colonel Sparks, at Fort Stoddert, to distribute the proclamation in the vicinity of Mobile and to prepare his troops to take possession of that place. This step was necessary, for the two executives had heard that Folch had recently received reinforcements from Vera Cruz. This might lead the Conventionalists—or more properly speaking, the filibusters under Kemper and Kennedy—to attempt some desperate act, which the regulars and militia should prevent.[12]

Claiborne also anticipated difficulty with the convention unless the United States should assume the debt it had created and legalize the land sales made since 1803. His messengers were accordingly instructed, when distributing their proclamations, to ascertain the opinion of its members, the strength of its

[10] Claiborne to Smith, Dec. 1, 2, 3, 1810 (Parker, 7656–7664).

[11] Holmes to Smith, Jan. 1, 1811 (Parker, 4405). This is a detailed account of Holmes' movements in West Florida.

[12] Claiborne to Smith, Dec. 5, 1810 (Parker, 7666).

forces, particularly in the fort at Baton Rouge, and the strength and condition of the Spanish and insurgent forces at Mobile and Pensacola. One messenger was to go to St. Francisville, where he was to report to Holmes on the 7th, and the other to Baton Rouge. The former was to state that Claiborne was on the way, and that he brought no troops with him but had arranged to have them follow him.[13]

On the same day that Holmes and Claiborne were giving the final touches to their plans for intervention, the unconscious executive of the short-lived state was urging the president to hasten that step, albeit not as his neighbors were proposing to take it. Despite the efforts from various sources to bring pressure to bear upon the American executive, Skipwith apprehended that he had not yet been properly informed in regard to the wishes of the people in West Florida. He explained that while the majority favored the declaration of independence, they realized that their only sure hope for the future rested on union with the United States. This belief led them to accompany their declaration with an appeal to that power for protection, and the greater part of the people still hoped for union on terms of mutual advantage. He referred to their previous willingness to be received as a separate State or Territory or to be incorporated with one of the neighboring units. In the latter case he suggested that

[13] Claiborne to King, Dec. 5, 1810 (Parker, 7665).

it would be advantageous to unite them with Orleans Territory, for then the American element would predominate in the proposed new State. The present military expedition against Mobile rendered more necessary than ever the loan they had previously requested. Aided by this they could expel all Spanish troops from West Florida, unless these were strongly reinforced. In this remote contingency he requested the active cooperation of American troops. The authorities of West Florida had not yet sent an agent to treat with the secretary of state, preferring to await some hint of American views. If the president preferred to begin negotiations through commissioners from the vicinity, such a course would be more prompt and equally advantageous.[14]

Skipwith's letter was answered with stunning swiftness. Even before he sealed it he learned that Claiborne's agents were distributing copies of Madison's proclamation and sounding the people in regard to possible resistance. Such action showed little deference to the recently installed authorities of West Florida. In the steps so far taken these men had acted wholly within their rights and, as they believed, in accordance with the wishes of the American people and so as to clear the American government of any suspicion of complicity. Accordingly it was with a feel-

[14] Skipwith to the President of the United States, Dec. 5, 1810, West Florida Papers, MS., 77, Library of Congress.

ing of bitter resentment that the members of the legislative assembly hastily gathered to listen to Skipwith's unmailed letter and to unite with him in expressing toward the proclamation "the mutual sentiments and honest feelings of freemen." In the first place they exonerated Skipwith of undue ambition and of attachment to any foreign power. They had a right to self-government, despite the "imperative tone" in which the president summoned them to submit to the Orleans executive. They resented the implied threat that foreign ministers might still determine their political status. They were not greatly affected by the thought that their independence might jeopardize the revenue laws of the United States. While desiring annexation they wanted it on fair and honorable terms, and not by virtue of any right under the Treaty of 1803. The form of annexation proposed by them was the only one that could give the United States a perfect title to the territory. They were ready to unite with the people of Orleans on such terms as Skipwith proposed, but they would not betray their constituents and dishonor their cause by accepting Madison's proposals. They closed by assuring Skipwith of their readiness to unite with him in "proper resistance."[15]

In addition to this address to Skipwith, signed by eleven members of the assembly, the senate empowered the executive to ascertain from Claiborne why he

[15] Address to Skipwith, ibid., 7.

was approaching West Florida with a hostile force, and whether he was authorized to suspend operations pending another appeal to the president. In case he refused to answer, the messenger was to assure Claiborne that Skipwith and the members of the assembly "were determined sooner to perish under the falling star of Florida than to submit to the sacrifice and disgrace of any of [their] followers, not even the Deserters from the American Army, or suffer [themselves] to be given up to any Foreign Power."[16]

Truculent as this resolution was, Osborne, Claiborne's messenger, claimed it represented merely the views of Skipwith, Thomas, and a few others. The majority would gladly accept American authority, coupled with American citizenship, even if thrust upon them in this indecorous fashion.[17] The main causes of their discontent, as Holmes speedily learned after his arrival at St. Francisville on December 6, were the debt, the land claims, and the deserters. For the last named Holmes promised immunity for the present, and he believed they would ultimately be pardoned. He could give no positive assurances in regard to the other points, but he referred to the previous liberal policy of the United States toward actual settlers.

Assuming that the Floridians were already American citizens, he pointed out how injurious and futile

[16] Skipwith to John H. Johnston, Dec. 8, 1810 (Parker, 7670)
[17] Osborne to Claiborne, Dec. 6, 1810 (Parker, 7669).

opposition would prove. In defending the proclamation he called their attention to the fact that it was an executive act, in which the president had only the Louisiana Treaty and some acts of Congress to guide him. Therefore he could not recognize the authority of the Florida legislature. As for the implication that by "fair and friendly negotiation" the Floridians might again be subjected to Spanish authority, he bade them dismiss it at once. It merely showed the honorable motives of the administration. He believed thoroughly that the United States had a right to the territory, and whatever adjustment might follow, the nation would never surrender a foot of it. By such arguments, in the course of a strenuous afternoon, he succeeded in appeasing all but a few malcontents.

Holmes was asked to make a formal call on Skipwith but declined to do so. At the same time he declared his willingness to discuss the occupation with any gentleman. Skipwith then called at his lodgings. Holmes tried to show him how unavailing and mischievous it would be to resist the United States. Professing his desire for annexation, Skipwith complained that the method of the executive favored the Spanish authorities at the expense of the actual residents. Since the United States had abandoned its right to any part of West Florida, the people of that region would not now submit unconditionally to the control of the American government. After a fruitless interview

they separated, Skipwith and some companions departing for Baton Rouge, where the legislative assembly was next to gather. Had he remained to meet Claiborne, that executive was prepared to adopt a most conciliatory interpretation of the president's instructions.

In the evening the convention army, consisting of a hundred dragoons and a corps of riflemen, reached St. Francisville, having been recalled from the Mobile campaign in consequence of this new development. Holmes likewise conversed with the officers and men, and convinced them that it was consistent with their honor and duty to support the United States. As most of the force came from Bayou Sara, the original seat of revolt, its submission indicated the peaceful occupation of the whole region.[18]

On the morning of the 7th Holmes and Osborne, accompanied by John H. Johnston, crossed the river to confer with Governor Claiborne at Pointe Coupée. The prominence of Johnston, who acted as Skipwith's representative, gave point to his profession of attachment to the Union. Claiborne told him that he would respect Skipwith as a citizen, but that he could not recognize him as executive of West Florida. Moreover he gave Johnston "permission" to tell the people that he came among them with the most friendly views, and should proceed to carry out the president's proc-

[18] Report of Holmes to Smith, cf. note 11.

lamation in this spirit. Johnston then verbally delivered Skipwith's ultimatum. As governor of West Florida he would retire to Baton Rouge, and there, "rather than surrender the country unconditionally and without terms, he would, with twenty men only, if a greater number could not be procured, surround the Flag-Staff and die in its defense."[19]

Johnston accompanied the bellicose message with assurances of his own devotion to the United States and an urgent request for Claiborne to visit St. Francisville. He assured the Orleans executive that he would find a troop of cavalry, a company of riflemen, and a concourse of citizens ready to welcome him. Osborne crossed the river and brought back a similar request, whereupon Holmes and Claiborne passed over to the opposite bank.

On his landing in West Florida the citizens received Claiborne "with great respect," while the cavalry and infantry escorted him to the center of the town. Then as his escort took position around the West Florida flag, Claiborne stepped forward, read the president's proclamation, and commanded the flag to be removed. It was lowered amid respectful cheers, and a like salute greeted the American flag that replaced it. Claiborne then erected the region into a parish and appointed the necessary officers. Thus the wealthiest and most populous section of West Florida passed without dis-

[19] Claiborne to Smith, Dec. 7, 1810 (Parker, 7668).

turbance into the possession of the United States. In accomplishing this result the loyal, tactful, and energetic efforts of Holmes proved most helpful.[20]

The occupation of Baton Rouge, the next undertaking to present itself, promised greater difficulty. After conferring with Claiborne, Holmes, again serving as *avant courier,* departed for Baton Rouge by land, accompanied by "a few gentlemen of respectability" from Bayou Sara and an escort of the former West Florida cavalry. Claiborne descended the river with the detachment of troops under Covington as soon as the latter arrived. He hoped to conciliate Skipwith and persuade him to abandon his ill-advised resistance, rather than appeal to military measures. The American deserters in the fort were likely to prove the most difficult problem, but he intended to take no measures to punish them if they would lay down their arms. Holmes hoped that his escort would exert a tranquilizing influence on their former colleagues in the lower district.

Skipwith reached Baton Rouge a day ahead of Holmes. He found that John Ballinger, the commander of the fort, had arrested Claiborne's other messenger, King. Ballinger was under the impression that the proclamation that King was distributing must be a forgery designed by the Spanish commander at Mobile to check and confuse the force destined

[20] Ibid.; Report of Holmes to Smith.

against that town. The apprehension of Spanish dagger and Indian tomahawk was still so strong that Ballinger's inference and action were wholly natural. Skipwith immediately released the messenger, but he still felt too resentful to counsel submission. Personally he desired to maintain peace and order in the region, while working for its honorable "return to the bosom of [his] parent Country." At the same time he strove to secure that country "a fair and legitimate title" to the disputed territory of West Florida. He expressed these sentiments in a postscript to his letter to Madison, begun only four days before, and resentfully reviewed the surprising events of the interim which seemed to neutralize his desire. He and his liberty-loving associates, he assured the president, would resist dishonor, repel any "wanton outrage" to their feelings, and "assert the rights of their adopted country" should circumstances require it.[21]

Tidings of King's arrest and of the prospective resistance of the garrison at Baton Rouge reached Holmes and his company at the end of their first day's journey. On the morrow, when within a few miles of the town, the Mississippi executive sent forward some of the former West Florida officials to state the object of his visit and to ascertain if he might enter the town. Although halted for a time on its outskirts

[21] Skipwith to the President, Dec. 9, 1810, West Florida Papers, MS., 86, Library of Congress.

Holmes encountered no resistance. After a second conference Skipwith announced that he and his fellow-legislators had abandoned all thoughts of resistance, but he could not speak for the garrison in the fort. Many of its members were deserters from the American service and might be tempted to some desperate step. On the following morning Holmes, accompanied by Skipwith, held an interview with its commander, Ballinger. Without entering into any express stipulation, he repeated the assurances already given, and Ballinger thereupon expressed his willingness to surrender the fort. Almost immediately word came that five gunboats with the American regulars on board had been sighted some two miles above the town. On reaching the spot, Holmes found that Colonel Covington had already landed his force of two hundred and forty-five men with due precaution against attack, and informed him that he need expect no resistance. To Claiborne, who accompanied the troops, Holmes bore a letter from Skipwith expressing the latter's gratification at his prospective annexation to the United States. The superseded executive defended his course thus far, and protested against Claiborne's methods as an outrage against the flag and the constitution of West Florida. Yet as a native of the United States he could never sign an order that would lead to the shedding of a drop of American blood. He would not bid the Florida troops lower their own flag, but di-

rected them not to resist the measures of the Americans. He requested amnesty for such as were deserters and recommended the whole force if Claiborne needed its assistance.[22]

The gratified Claiborne readily promised not to molest the deserters, and agreed that some simple but respectful ceremony should mark the lowering of the West Florida flag. At half past two that afternoon the conventionalist force of some four hundred men marched out of their fort, stacked their guns, and saluted the emblem whose descent marked the close of the short-lived republic of West Florida.[23]

In this peaceful manner the two executives were able to anticipate the wishes of the administration and establish American control in Baton Rouge without any disagreeable complications. In this delicate task, as well as in the preliminary events, Governor Holmes had showed himself a discreet and effective intermediary. Having accomplished his part he modestly retired to his post, content with the honor of participating in an event so conducive, as he believed, to his country's welfare.

In keeping with his instructions, Governor Claiborne immediately provided for local governments and organized the militia. He divided the jurisdiction

[22] Skipwith to Claiborne, Dec. 10, 1810, Monroe Papers, Lenox MSS.

[23] Report of Holmes to Smith; Claiborne to Smith, Dec. 12, 1810 (Parker, 7671); Summary, fs. 67, 80. Cf. note 21, p. 334.

into four parishes, appointing Richard Steele judge in Feliciana and George Mather in East Baton Rouge. In St. Helena and St. Tammany (the last named replacing the St. Ferdinand of the Spanish régime and including settlements on the Bogue Chitto and Tanchipaho) he had difficulty in finding suitable men for the judicial positions. In the other parishes he was overwhelmed by applicants for office. He noted some attempt to discriminate against those who had not made common cause with the convention, but selected his appointees largely from the patriotic American contingent.[24]

There was some dissatisfaction over the parish divisions as well as over Claiborne's "palatine" method in forming them. Philemon Thomas, the "Ajax" of the defunct government, professed that his object was accomplished. Skipwith refused to accept the office of justice of the peace; but as his first resentment cooled he acknowledged that Claiborne had treated him personally with courtesy and the whole people with more than magnanimity. There was liable to be some latent dissatisfaction in regard to the land bounties promised to the forces of the convention, the debts of that body, and the vacant lands of the province. Claiborne wrote that those who felt themselves aggrieved would probably memorialize Congress. The land grants by Grand Pré and Morales also presented many difficulties, al-

[24] Claiborne to Smith, Dec. 17, 23, 24 (Parker, 7673, 7680–82, 7684).

though Claiborne was relieved to find, contrary to his earlier impression, that Skipwith was not involved in them.

The concluding resolution of the West Florida legislature seemed unduly hostile. But once having fully submitted, Skipwith assured the Orleans executive that he might absolutely rely on the American element in the population in case of invasion, and likewise on the French and French-Canadian. Claiborne acknowledged that most of the population, including the more influential elements, were virtuous, but there were some with British preferences and others who objected to any stability or justice in government. "A more heterogeneous mass of good and evil," he wrote with some reserve, "was never before met in the same extent of territory." Of late the Spanish officials had seemed to encourage the worst element. The revolt had been started by the opposite class, but the more vicious, Claiborne believed, were gaining power and would shortly have controlled affairs had the American authorities not intervened. If the latter had delayed two weeks longer, the convention troops might have reduced Mobile and included that region, too, within the new acquisition. Many "aspiring individuals" at first naturally displayed resentment at the failure of their plans.[25]

[25] Claiborne to Smith, ibid.; Skipwith to Graham, Dec. 23, 1810, West Florida Papers, MS., 100, Library of Congress; same to same, Jan. 1, 1811, ibid., 105 ff.

Claiborne showed marked attention to De Lassus, whom Skipwith released just before the Americans took possession. That chagrined official took refuge across the river, where for obvious reasons he preferred to remain rather than face his accusers in Havana. Claiborne also took the first occasion that presented itself to inform Someruelos of his action at Baton Rouge and to assure the captain-general that it betokened no hostility whatever toward the Spanish government. But he was unable to persuade the other that his course was wholly friendly.[26] In view of recent occurrences at Mobile, it was far more important to know how Folch regarded it. The Intelligencer published a premature report that he would evacuate Mobile without opposition, and Claiborne urged Colonel Cushing to hasten his journey to Mobile, so as to prevent a clash between the Spaniards and the frontiersmen that might jeopardize this result.[27]

Colonel James Caller, from the Tombigbee, chanced to be in Natchez on the eve of Holmes's departure for West Florida. To him the governor entrusted copies of the proclamation, and ordered him and his associate Carson to prepare their militia for cooperation with the regulars. His arrival at Fort Stoddert on the afternoon of December 13 caused great rejoicing

[26] Claiborne to Captain-General of Cuba, Dec. 20, 1810 (Parker, 7681).

[27] Parker, 7692.

among the neighboring "honest people," as Kemper's followers called themselves. Colonel Sparks, "amiable old officer favorable to [their] views," immediately sent a copy of the proclamation to Folch. This paper and the colonel's statement that he had been ordered to get his troops ready to act in accordance with it caused an appreciable rise in land values at Mobile.[28]

Some of the "Tories," that is, Toulmin and his friends, thought that Sparks was interpreting his instructions too freely. To them he seemed to be assuming the offensive with needless haste, and they doubted the expediency of inviting the cooperation of the militia. The colonel's course may have been partially determined by Caller, who in turn had been urged thereto by F. L. Claiborne, brother of the executive. The latter had claimed that the proclamation would justify Sparks in hurrying down to Mobile with the regulars and militia and taking possession without delay. Coming from such a source the advice would be entitled to great weight.[29]

To Sparks's surprise Folch answered that he could not deliver up the province to the Americans. He referred Sparks's note to Someruelos and then started to Pensacola, evidently to confer with Morales and his

[28] Holmes to officers at Ft. Stoddert, Dec. 4, 1810, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1; Nicholson to Rhea, Dec. 17, 1810, West Florida Papers, MS., 96, Library of Congress.

[29] Toulmin to Madison, Jan. 23, 1811, Madison Papers, MS.

other colleagues over the latest development. As the intendant later observed, the American government had at length thrown off the mask which had hitherto concealed its intrigues at Baton Rouge.[30] This revelation caused a complete reversal in Folch's position. A few weeks before, he had offered to transfer his province to the Americans on his own authority, and had come to Mobile in order to carry out his purpose unhampered. But such a transfer, after the president's procedure, meant a yielding to the untenable American claim that he had so long opposed. Moreover, in connection with the events at Baton Rouge it would bear all the marks of direct collusion. Kemper's mad foray gave him an adequate pretext for withdrawing his offer of peaceful surrender. A recent subsidy from Mexico enabled him to meet his most pressing financial obligations. But with a force of seven hundred men on its way from Baton Rouge to attack Mobile, with eight gunboats loaded with troops approaching from Mobile, and with the commander at Fort Stoddert preparing to descend the river with his regulars and militia, he needed additional reinforcements and money to meet the perils that confronted him. While Morales besought the authorities to send these at once, Folch wrote Pérez, who had reported the forces threatening to overwhelm them, that the greater the attacking

[30] Folch to Sparks, Dec. 14, 1810 (Parker, 7688); Morales to Secretary of State for the Treasury, Dec. 19, 1810, Legajo 267, Papeles de Cuba.

force and the more hopeless the defense, the more honorable the surrender. Pérez was to husband his slender force as much as possible, and when his parapets were dismantled and his artillery was useless, he was to yield on the best terms he could get.[31]

It was natural for the Spaniards to confuse the West Florida forces with the American, as Pérez had done, and to exaggerate the menace from each. Kemper's course at this juncture served to confirm this impression. As soon as he learned the president's orders, undeterred by recent defeat, former failure to receive instructions, or recent prosecutions, he bestirred himself to collect his scattered filibusters from the Tensaw, St. Stephens, and Pascagoula. Designating a rendezvous near Mobile, where "Major" Orso with a small contingent awaited them, he and his lieutenant, John Nicholson, boasted that their flag would be hoisted at Mobile before that of the United States. Their chief purpose was to "take a pull" at the "Dons" in revenge for the repulse at Saw Mill Creek. Then they hoped to have the "satisfaction of receiving the U[nited] S[tates] with open arms at Mobile and of joining the one star with the many."

These would-be marauders, professing their readiness to "hail the Goddess of Liberty as the protectress of our rights civil and personal," strove to deepen this

[31] Pérez to Folch, Dec. 20, 1810, Folch to Pérez, Dec. 21, 1810, Legajo 1569, Papeles de Cuba.

mistaken impression of their activity. They represented the American authorities as involved in the events at Baton Rouge and as not approving Toulmin's measures to repress the expedition against Mobile. In view of Sparks's activity and Cushing's arrival they anticipated a welcome expenditure of powder at Mobile. The people were ready, when Sparks gave the word, to drop work, and to feed their resentment against the Spaniards by investing the fort at Mobile.[32]

Such a diversion was liable to produce disagreeable complications. Pĕrez, though vain, would fight. The first shot against the fort would be the signal for the destruction of the town. Sparks accordingly stationed Captain Gaines with a force of fifty men near Mobile, and through a special messenger induced Kemper to return. He and his followers were almost immediately incorporated in the territorial militia, whose officers were largely their partisans.[33] This prompt clothing of the whilom outlaws with the semblance of respectability served still more to confuse the Spaniards. Therefore Sparks's action, while preventing the useless shedding of blood, did not disclose any real difference between the filibusters and the militiamen,

[32] Kemper to Rhea, Dec. 16, 1810, Nicholson to Rhea, Dec. 17, 1810, West Florida Papers, MS., 96, 98, Library of Congress; Toulmin to Holmes, Feb. 3, 1811, Mississippi Territorial Archives, MS., Vol. 9.

[33] Nashville Clarion and Gazette, Feb. 1, 1811; Sparks to Claiborne, Dec. 21, 1810 (Parker, 7690).

or make clear the attitude of the administration toward each group.

Sparks expected the force under Gaines not only to check Kemper but to secure the delivery of Mobile to the Americans. Accordingly on December 22 Gaines sent Captain Luckett to notify Pérez that he had come to take possession of the fort agreeably to the proclamation. He supposed that the Spaniard had already made up his mind on this point and requested an immediate answer. He emphasized the conciliatory policy thus far pursued by the United States, and mentioned the feeling of duty and attachment that prompted the officers of the American army "to support a measure adopted by their beloved President." Pérez doubtless appreciated this new challenge from the "Cock of Stoddert," backed up as it was by pointed references to reinforcements expected from the Mississippi and to the militia from the Tombigbee.

Pérez answered that he had no communication from his government to guide him in forming an opinion on this momentous subject. He advised Gaines to suspend operations until they could hear from Folch, then on his way to Pensacola. Each appointed a representative to interview Folch, and mutually agreed to take no hostile measures pending his response. Under this agreement Gaines took up his position a half mile above the town. Their messengers reached Pensacola before Folch himself. Possibly Pérez anticipated this

and wished to gain time thereby. Folch expressed surprise when he heard of Gaines's demand. He thought the American force had descended the river merely to save Mobile from the filibusters. As he had previously informed Sparks, he could deliver up his province only on order from the captain-general.[34]

To Pérez, Folch wrote more bitterly, complaining that the landing of American troops within the dominions of His Majesty would justify him in using force to expel them. Pérez should tell Gaines or any other American officer that he had no power to surrender the king's territory, but was obliged to defend it to the last extremity. By this time Pérez learned of Cushing's approach, which added to the perils confronting him, and reported that Gaines had offered to grant soldiers, officers, and other employees the most favorable terms possible. He was sure that he could not escape surrender, even if each man should prove a lion in combat. Moreover by useless resistance he would lose the artillery and the munitions that he might otherwise save. Yet he had warned Gaines not to permit a larger party than six to come together at one time within gunshot of the fort.[35]

In the closing month of 1810 the town of Mobile

[34] Claiborne to Smith, Dec. 28, 1810 (Parker, 7687); Morales to Secretary of State for Treasury, Jan. 20, 1811, Legajo 267, Papeles de Cuba.

[35] Folch to Pérez, Dec. 25, 1810, Legajo 63, Papeles de Cuba; National Intelligencer, Jan. 26, 1811.

was liable to become a sacrifice to the motley forces threatening it from without and within. If the filibusters did not plunder it, the Spanish commandant might sacrifice it in defending his fort. To prevent such a calamity and to save the whole region from anarchy and pillage, Judge Toulmin undertook a special mission to the camp of Colonel Cushing. He was already in Mobile, making necessary provision, as contractor's agent, for the latter's arrival, when he learned that Sparks was about to embody the territorial militia and move down the river. While he credited Sparks with good faith, he thought that he had misinterpreted his orders. It would be folly to attack the fort before Cushing arrived with gunboats and artillery, and it would be impossible, with such levies, to avoid some clash, once they reached its vicinity.

Toulmin repaired to Cushing's camp as soon as the latter reached Mobile Bay, represented the situation in its true light, and induced him to order the immediate mustering out of the militia. He paid the usual penalty for his unpopular but patriotic service. His enemies, terming him an enemy to his country and its oppressed people, charged him with neglecting his public duties. More serious still was the insinuation that he was trying to prevent the surrender of Mobile so as to favor his own land speculations. But the judge, disregarding temporary odium and personal threats, prided himself on saving Mobile, preventing the shed-

ding of blood, and fulfilling the real wishes of his government. The administration and its organ, and Congress as well, agreed with him, and refused to entertain charges based merely on malice and envy.

The local resentment against Toulmin long continued to show itself. He and Caller had a personal altercation at the disbanding of the militia, in which, so the latter claimed, Toulmin attacked him in a way "unbecoming his character as a judge, and a Gentelman." The militiamen resented the action so forcibly that Caller had to interfere to save the judge from violence. Before Kemper left the Tombigbee region, late in January, 1811, he and his cronies held what Toulmin called "high courts of impeachment," in which they threatened to present him for treason. He was less disturbed by their threats than by the working of a new system of courts, in which local sentiment would have more chance to interfere with conscientious officials.

In the following autumn Toulmin's enemies packed the grand jury of Baldwin County and returned a presentment against him. One of the specifications stated that he used military methods in examining the charges against Kemper and Kennedy, and another that he corresponded with foreign enemies. Toulmin flattered himself that his course had been fairly acceptable to the better elements of the community, even if his reputation had not been proof against "the

desperate profligacy of a Cataline . . . supported by the abandoned intrigues of a Robespierre." This presentment, later brought before the legislature, was referred to a committee of which Kennedy was chairman and Caller a member. These worthy but "unfortunate citizens," moved by a love for "the pure and impartial administration of Justice," secured the passage of resolutions embodying the charges and forwarded them to Congress and the president. Needless to say their enmity overshot its mark.[36]

After the introduction afforded by the preceding events, Claiborne's next task was hardly likely to commend itself to Folch. Possibly the Orleans executive did not greatly care. At any rate it was December 27 before he officially informed Folch of his course at Baton Rouge and of his intention to occupy the country as far as the Perdido. He wished the other to regard his action as wholly friendly and calculated to advance the best interests of both nations. His letter, accompanied by a copy of the president's proclamation, was dated some three weeks after he had informed Sparks

[36] Caller to Holmes, Jan. 7, 1811, Toulmin to Holmes, Feb. 3, 1811, Mississippi Territorial Archives, MS., Vol. 9; Toulmin to Madison, Jan. 23, 1811, Feb. 27, 1811, Madison Papers, MS.; National Intelligencer, Feb. 10, 1811; Holmes to Smith, Feb. 2, 1811, Proceedings Executive Council, Mississippi Territory, MS., Vol. 1; Toulmin to Samuel Postlewaite, Oct. 21, Nov. 11, 1811, Claiborne Letters, E, MS., Mississippi Department of Archives and History; Mead to Madison, Nov. 20, 1811, Madison Papers, MS.

of his intended action. The delay implies that he hoped the other would occupy the territory at once, as his brother had apparently advised. The later report of Kemper's irregularities caused him to warn Sparks against permitting a nominal occupation of Mobile by the Conventionalists. He might invite the Spaniards to retire from their post there, should he think them disposed to do so, and permit them to take their military stores, but he should enter into no formal capitulation with them. He was to take this action, however, only to prevent bloodshed. If the Spanish commander refused to yield possession, he should assure him that he would not resort to forcible measures without further orders.[37]

On January 6 Sparks sent a messenger to Folch with Claiborne's missives. Before he reached Pensacola, Captain Luis Piernas arrived there with a hundred thousand pesos from Mexico. The viceroy could supplement this with no troops, for he was experiencing insurrection in his own dominions, and the sum was wholly inadequate to meet Folch's pressing problems of defense; but the timely succor afforded him a convenient pretext for retaining what he had professed to regard as a useless province. It was also an opportunity to reinstate himself with his superiors. At the same time the arrival of Cushing and his flotilla before Mobile warned him to preserve a courteous attitude

[37] Claiborne to Folch, Dec. 27, 1810 (Parker, 7694); same to Sparks, Dec. 28, 1810 (Parker, 7693).

toward the Americans. He replied to Claiborne that he would inform the captain-general of his communication, and he expressed the hope that in the interim the other would do nothing to disturb the existing harmony. Some of his entourage were inclined to be less courteous. An Indian interpreter, Manuel Gonzales, acted as host to Carson, the messenger. When Carson expressed surprise at the prudence so far exhibited by the Spaniards, Gonzales retorted: "Fire the first shot, and see if we answer."[38]

In Claiborne's message both Folch and Morales found new evidence of the perfidy of the American government. Seizing the occasion when Spain was beset by enemies and the Floridas were bereft of defense, its agents stirred up insurrection in West Florida and threatened still further encroachments in the eastern province. Their course was not merely perfidious but ungrateful, for Spain had assisted the United States in gaining its independence. Folch could only suggest an appeal to American cupidity, while Morales advised his superiors to press a claim for the territory which the Americans had already occupied. Meanwhile they both waited anxiously for the Americans to lay aside the mask altogether.[39]

[38] Sparks to Folch, Jan. 6, 1811, Legajo 1568, Folch to Sparks and to Claiborne, Jan. 10, 1811, Legajo 1569, Papeles de Cuba.

[39] Folch to Someruelos, Jan. 12, 1811, Legajo 1569, Morales to Secretary . . . of Treasury, Jan. 20, 1811, Legajo 267, Papeles de Cuba.

Late in January, Toulmin advised the president to resort to diplomacy in order to gain the coveted territory. Claiborne, without favorable response from Folch, was concerned over the report that the Spaniard was about to cross the Perdido with reinforcements. As the Spaniards now controlled only the environs of Mobile, this, in his estimation, would constitute an invasion of American territory.[40] Fortunately Folch was in no condition to test Claiborne's theory. Colonel Cushing, reaching the vicinity of Mobile with two hundred and fifty men and a convoy of gunboats, encountered no such "warm work" as the newspapers had predicted. His most important task, as we have already seen, was the disbanding of the militia, at Toulmin's request.

Although this act meant a signal favor to the Spaniards, Pérez refused to give Cushing permission to pass the town without an order from Folch. The American officer went ahead without being molested and later invited Pérez to a formal conference. When this failed to elicit a favorable response, Cushing and his suite made a formal call on the Spaniards and thus established relations that were at least outwardly friendly. Cushing then took up his residence in town, and although he attempted to exercise no authority beyond the limits of his camp, his mere presence gave increased confidence to those residents who had com-

[40] Claiborne to Smith, Jan. 30, 1811 (Parker, 7715).

mitted themselves too thoroughly to the American cause.

Pérez still continued his vigilant attitude toward the Americans. Their deserters, even, were to be kept in custody, pending the decision of the captain-general. The cruises of the American flotilla between the town and Dauphine Island were carefully noted. Both Spaniards and townspeople were mystified when on February 9 the troops proceeded to Fort Stoddert. Early in the following month the flotilla withdrew to New Orleans. These movements, they afterwards learned, arose from the fact that Cushing and some of his subordinates had to report for court-martial at Fort Adams. This was one of the incidents growing out of the interminable Wilkinson enquiry.[41] Covington, who succeeded Cushing, was permitted to anchor before Mobile; but Folch instructed St. Maxent, who was now in charge there, not to allow this again without express order from Someruelos.[42] Thus the situation still contained anxieties for the Spaniards. On the other side of the line came reports of "rustling" cattle, interference with the Indians, and anticipations of the appearance of the British at Pensacola. But

[41] Cushing to Pérez, Jan. 9, 1811, Pérez to Cushing, Jan. 10, 1811, Pérez to Folch, Jan. 19, 25, 27, 30, Feb. 6, 9, 13, 1811, Legajo 1569, Papeles de Cuba; Toulmin to Madison, Jan. 23, Feb. 6, 1811, Madison Papers, MS.

[42] St. Maxent to Folch, Mar. 19, 1811, Legajo 63, Papeles de Cuba.

the most pressing anxiety of the Americans was the fate of the unfortunate members of the Kemper party, who had now been transferred to Havana.

Meanwhile the administration was attempting another "diplomatic" move in relation to the Floridas. In 1810 General George Matthews, of Georgia, had been given a commission to the Spanish authorities similar to Wilkinson's of the previous year.[43] Unable to visit Folch at Pensacola because of the prevalence of yellow fever in the early fall of 1810, he came to the Tombigbee country, where his presence aroused Kemper's concern. Finally Matthews secured an interview with Folch at Mobile and explained to him the president's views. The latter contemplated a union of forces on the part of the United States and the Spanish colonies to prevent European nations from gaining a foothold in the new world. Folch was equally unwilling to have the Spanish colonies become subject to some other European power or to the United States. Matthews thought that if the United States should make some provision for Spanish officials, it would remove the great obstacle to union with the Spanish colonies. Perhaps Matthews's suggestion encouraged Folch to offer to deliver his province to the Americans. Colonel John McKee, as we have seen, bore this offer to Washington.[44]

[43] Crawford to Smith, Nov. 1, 1810, Miscellaneous Letters, MS., Vol. 34, Bureau of Indexes and Archives, cf. p. 287.

[44] Cf. p. 481.

Folch's offer and Matthews's earlier report aroused the extravagant hopes of the president. Prompt action might mean the acquisition of both Floridas. On January 3 he sent a special message to Congress transmitting Folch's offer. He accompanied this with a British protest against the occupation of Baton Rouge, thus creating the impression of interference that the advocates of immediate occupation, among whom Jefferson was chief, so sedulously inculcated. To heighten this impression Madison suggested that Congress pass a resolution to the effect that it "could not see without serious inquietude any part of the neighboring territory pass from Spain to another foreign power." He also asked for authorization to take possession of any part of it for which he could make proper arrangements with the local authorities.[45] Within two weeks Congress complied with the president's request, but added the assurance that the territory should still be subject to negotiation. It authorized the executive to make such use of the army and navy as was necessary and to incur expense up to a hundred thousand dollars. The secretary of state officially informed Folch that his proposal was accepted and Matthews and McKee were appointed as commissioners to carry it out.[46]

McKee gave Folch additional details of the proposed occupancy. The American government would

[45] American State Papers, Foreign Relations, III, 394, 395.

[46] Smith to Folch, Jan. 26, 28, 1811, Domestic Letters, MS., Vol. 16, Bureau of Indexes and Archives.

accept temporary possession of East Florida and of West Florida beyond the Perdido in order to assure the region adequate protection. Claiborne had supposedly taken possession up to the Perdido; but if Mobile was unoccupied he and Matthews might take steps to hold it. They might agree to redeliver the portion east of the Perdido to its lawful sovereign. In case of amicable surrender they were authorized to assume a "reasonable amount" of the current local debts owed by the Spaniards, regarding these debts as a future lien on Spain, and to spend a reasonable sum in removing Spanish troops from the province. They were to confirm land titles, exercise customary religious toleration, and continue local customs and local officials with as little change as possible. If no amicable surrender of territory should occur, and they had reason to suppose that "a foreign power" intended to land troops there, they were to preoccupy such territory by force, using, however, such measures as would compromise their government as little as possible.[47]

McKee's letter from Washington was the precursor of the more formal communication that he and Matthews addressed to Folch from Fort Stoddert. In this, dated March 22, they requested an early interview to discuss Folch's previous offer in view of the president's instructions. To both Folch's reply was the

[47] McKee to Folch, Jan. 17, 1811, Legajo 1569, Papeles de Cuba.

same. His superiors did not approve his offer to surrender his province, and ordered him to hold it at all cost, and had sent him fifty thousand dollars to enable him to do so. He was now happily relieved of any immediate danger of invasion. In addition to these favorable changes in local conditions, the president's action in taking possession of Baton Rouge was regarded as distinctly hostile. Moreover a national Cortes had now assembled in Spain, and the American government could direct negotiations to that body.[48]

Doubtless Folch had never seriously intended to surrender his province and accordingly welcomed the opportunity to withdraw from an awkward situation. Ralph Isaacs, the militia colonel, who acted as the commissioners' messenger, attempted to reason with Folch. He appreciated the Spaniard's desire for harmony; but in view of Bonaparte's ambition and Spain's inability to protect her colonies, he had hoped that the other would unite with the American authorities in a joint defiance to European powers. Folch agreed to support such a policy as long as he could honorably do so.[49] His later elaborate defense shows that he meant little by this evasive promise. He assured his superiors that he had made no effort whatever to ingratiate himself with the American authorities, and

[48] Folch to McKee, Feb. 27, 1811, same to Matthews and McKee, Mar. 26, 1811, Legajo 1569, Papeles de Cuba.

[49] Isaacs to Matthews and McKee, Mar. 31, 1811, Miscellaneous Letters, MS., Vol. 35, Bureau of Indexes and Archives.

that his whole purpose was to paralyze the military preparations that the Americans were industriously making in the rear of the insurgents. In this aim he was successful, although at the time neither Mobile nor Pensacola was in a position to offer adequate resistance.[50]

He and his watchful adversary, Morales, now expected the American government to resume its policy of intrigue in behalf of the desired territory and to stimulate a revolt in the region that still acknowledged Spanish authority. There were rumors of dissatisfaction with the American rulers at Baton Rouge and of disturbances at Pascagoula, where they had not yet fully established their authority, but these gave the Spaniards little satisfaction. Nor did they anticipate any advantage from the insults that Kennedy and his party were heaping on Judge Toulmin. The same individuals that attacked him were ready to rally their followers for the capture of Mobile, as Caller readily assured the Mississippi executive, despite Toulmin's effort to discourage them.[51]

Caller had noted the presence of Matthews, McKee, and others of the same set that had "swarmed" about Fort Stoddert the preceding summer, and doubted if

[50] Folch to Someruelos, Feb. 4, 1811, Legajo 1569, Papeles de Cuba. An elaborate defense of his conduct occurs in Legajo 5555, Estado, A. H. N., Madrid.

[51] Morales to Sierra, Mar. 31, 1811, Legajo 267, Papeles de Cuba.

it was their purpose really to serve the American government.[52] Thus he and Folch were making common cause against them. But Matthews determined to make one more effort in behalf of his mission, and in April, 1811, secured a personal interview with Folch at Pensacola. Matthews told Folch, so the latter reported, that nine tenths of the American people deprecated the position of their government toward Spain. On the other hand he claimed that the existing administration did not favor France. His instructions simply empowered him to receive the province from Folch upon the condition of returning it when Spain terminated her contest with France. But if Spain then preferred, his government would exchange for it land in the western part of Louisiana or make some other suitable compensation.

This offer by Matthews, if correctly reported, marked a recurrence to the diplomatic propositions that the American government had vainly made for the last six years. It was accompanied by offers equally tempting. Matthews was empowered to render full inventories for all property delivered; to pay all arrears in the salaries of the clergy and the civil officials in the province; to continue at full pay all who wished to remain in the province, or to assume their transportation if they preferred to leave; and to assure the

[52] Caller to Holmes, Apr. 4, 1811, Mississippi Territorial Archives, MS., Vol. 10.

people full religious toleration and the continuance of such Spanish laws as were not contrary to those of the United States. These offers certainly represent a wide interpretation of his instructions, and if he really made them, show the importance that the government attached to his mission.

But he utterly failed to move the obdurate Spaniard. Not present gain, nor the fear that Napoleon might subdue the mother-country, nor the lure of Pan-Americanism could render the American proposition acceptable to him. He pointed out to Matthews that circumstances had so changed as to neutralize his former offer. The president's proclamation, which also released him from that offer, was a positive insult to his nation. Much as he desired peace he preferred war to such insult, and regretted that he could not exact complete satisfaction for it. Perhaps Folch did not answer Matthews so brusquely as the report would indicate, but he evidently convinced him and the administration as well that it was useless to expect a peaceful transfer of the Floridas at that time. The secretary of state gave the commissioners the conventional expression of thanks for their efforts, and directed them to turn their task over to Governor Claiborne. Matthews was to continue his functions in East Florida if he thought he could accomplish anything.[53] He

[53] Folch's defense in Legajo 5555, Estado, A. H. N., Madrid; Morales to Sierra, Apr. 30, 1811, Legajo 267, Papeles de Cuba,

did think so; but his equivocal course there, thoroughly in keeping with the American policy in West Florida, does not properly fall within the limits of our subject.

Domestic Letters, MS., Vol. 16, 191, 192, Bureau of Indexes and Archives.

CHAPTER XIV

In Defense of Intervention

The little coterie of diplomats at Washington and the near-by centers followed with keen attention the shifting events on the West Florida border. Their reports provoked disquieting rumors in the distant European capitals. Madison had not been unmindful of this when, a week before his proclamation, he wrote Jefferson that the "successful party" at Baton Rouge might address itself to Great Britain, as well as to the United States. This might influence the former to compose its differences with France and, allied with that power and Spain, to engage in a "quadrangular war" with the United States.[1] While the alliance seemed more threatening in prospect than in retrospect, there was enough possibility of European intervention to give point to his proclamation. Morier, the British chargé, was unfriendly, and was vigorous in championing the Spanish cause. He charged the administration with trying to seduce the inhabitants of West Florida—mostly renegade Americans—and with strengthening its garrisons at Fort Stoddert and St. Stephens, in collusion with the Mo-

[1] Hunt, Madison, VIII, 109.

bile Association. Secretary Smith with some difficulty finally assured Bernaben that the contrary was the case. This organization, the British representative reported, was appealing to Congress through a member from Georgia. The people at Baton Rouge, despite their apparent agreement with De Lassus, held Ferdinand VII "in most sovereign contempt" and disappointed Morier by showing little British predilection. The naval officer at Jamaica, he suggested, should inquire into the mysterious affair.[2]

De Onís feared that a French force of twelve thousand men, said to be preparing against South America, might be employed against the Floridas and Mexico, with Louisiana as a basis. Secret cabinet meetings, coupled with the presence of Turreau in Washington, led him to surmise some sort of alliance with the "intrusive Bonaparte." Perhaps the latter had already sold the Floridas to gain funds for his urgent needs, or to involve the United States in a war with Great Britain and Spain.[3]

The French government certainly needed a commercial alliance with the United States against these two powers, but Madison had definitely instructed Joel Barlow, the new American minister, not to make

[2] Morier to Wellesley, Oct. 9, Nov. 1, 1811, MS., British Foreign Office, America, II, 5, Vol. 70.

[3] De Onís to Captain-General, Oct. 19, 1810, Legajo 1708, Papeles de Cuba; De Onís to Viceroy, Oct. 19, 1810, Historia, MS., Vol. 161, A. G., Mexico.

the Floridas the basis of such a transaction. In August, 1810, Petry advised Champagny, now the Duc de Cadore, to use them to balance all American claims against France and her dependencies. Such a solution would relieve Spain of an unprofitable dependency, give France commercial privileges on the Mississippi and a free hand in the Spanish colonies, and create a more favorable public sentiment throughout the United States.[4]

As the American government still refused to receive De Onís as an accredited diplomat he had to make inquiries through Bernaben, the consul at Baltimore. On the other hand the administration usually made A. J. Dallas its intermediary. It was probably through him and a companion that Madison chose to let the Spaniard know of the fall of Baton Rouge. At the same time his messengers told De Onís that the affair was utterly unexpected to their government. De Onís apparently accepted their statement, adding that should the case be otherwise, such hatred would be aroused in Havana and Mexico that the Americans would lose their trade there. Morier was more direct and less charitable. He believed that the American government secretly favored the insurgents (a set of western banditti) in order to gain the disputed territory without an open quarrel with Spain.[5]

[4] Archives des Affaires Étrangères, États Unis, MS., Vol. 161, 270, 295.

[5] De Onís to Captain-General, Nov. 2, 1810, Legajo 1708, Papeles de Cuba.

Early in December De Onís asked Dallas some disquieting questions. He wished to know if the action of the governor of Mississippi, in embodying his militia, betokened any hostility toward Spain. A negative reply would greatly relieve the captain-general, as well as himself, and prevent any unfortunate misunderstanding on the border. He also inquired what measures had been taken to punish such American citizens as took part in the rebellion.[6] When he and Morier learned, through a clerk in the State Department, that Claiborne was to take possession of West Florida through an agreement with the convention, they advised the reinforcement of Pensacola and other measures to protect their respective national interests in the West Indies. Morier favored the joint occupation of Mobile in case of war with the United States, or even its cession to Great Britain.[7] In this suggestion, be it noted, the Englishman assumed the role of forcible protector, such as Iberville and Talleyrand formerly essayed. He and his kind did much to justify American attempts to forestall later British activity in the Floridas.

Secretary Smith refused to discuss the situation at Baton Rouge with Morier before it was presented to Congress. He intimated that the United States and

[6] De Onís to Dallas, Dec. 4, 1810, Miscellaneous Letters, MS., Vol. 34, Bureau of Indexes and Archives.

[7] Morier to Wellesley, Dec. 3, 1810, MS., British Foreign Office, America, II, 5, Vol. 70.

Spain were alone concerned, and that any interference by Great Britain would be disagreeable to the American government. Madison had already instructed Pinkney to inform the British government that his proclamation, called out by the crisis in West Florida, was an act wholly within executive authority. He was also to state that Congress would probably not permit East Florida or Cuba to pass into the control of any other power than Spain, and to express the hope that Great Britain would not entangle herself by seizing either.[8] But Pinkney seems to have left England without making this explanation.

Madison's instructions to Armstrong, who had not yet left France, were equally truculent. In placating Napoleon he was to observe: "If France is wise she will neither dislike [the proclamation] nor provoke resentment of it in any other quarter." To soften this curt message Armstrong might suggest that France should "patronize" the independence of the Spanish colonies. Either France or England must profit from the leadership in this movement, but he did not explain how the former could do so without a navy. His suggestion was only an echo from Napoleon and hardly likely to satisfy the originator. Spain must content itself with even less. That power must remain satisfied with the statement in his proclamation that "West Florida . . . will not cease to be

[8] Madison to Pinkney, Oct. 30, 1810, Hunt, Madison, VIII, 121.

a subject of fair and friendly negotiation and adjustment."[9]

In addition to a personal note Madison sent Armstrong more complete instructions over Smith's signature. Now that Spain had lost control over her colonies the United States could not permit disturbances to remain unchecked in her immediate neighborhood, especially when her own territorial rights were thereby jeopardized. Having been compelled to occupy the region as far as the Perdido, he was still willing to discuss the "right of sovereignty involved." This occupancy meant a change in possession but not in right, and was to be viewed as "the natural consequence of a state of things which the American government could neither foresee nor prevent."[10]

Jonathan Russell, acting chargé at Paris, laid these matters before the French cabinet, with the assurance that his government was willing to discuss the just claims of other nations in a "candid and equitable" manner. His representation may have led Cadore to instruct Serurier, the new French minister, that the emperor would not oppose the American occupation of the Floridas or the independence of Spanish America.[11] After Madison's encouragement the French

[9] Madison to Armstrong, Oct. 30, 1810, Hunt, Madison, VIII, 116.

[10] Smith to Armstrong, Nov. 2, 1810, Instructions, MS., VII, Bureau of Indexes and Archives.

[11] Russell to Cadore, Dec. 18, 1810, Archives des Affaires Étrangères, États Unis, MS., Vol. 63, 288; Cadore to Serrurier, Dec. 20, 1810, ibid., Vol. 64, 295.

coupling of these measures seems less sinister. Napoleon could the more readily affect a benevolent desire for the well-being of the United States. At the same time, by an acquiescence in regard to the Floridas he might secure her adherence to his continental system.

While directing its defense abroad, the administration was not unmindful of its opportunities at home. Turreau had not yet left the country, and Robert Smith attempted to explain to him the latest developments in this wise: "As for the Floridas, I swear, General, on my honor as a gentleman, not only that we are strangers to everything that has happened but even that the Americans who have appeared there as agents or leaders are enemies of the Executive, and act in this sense against the Federal government as well as against Spain." He went on to say that Skipwith, Thomas, and Clark, to whom he attributed an "intriguing devotion" to England, were interested in land speculations and hoped to profit from the transfer. It was easy to make this aspersion, and it would carry greater conviction had not Skipwith, through his friends, Mason and Graham, kept the administration informed of his whereabouts and intentions. Moreover the reports of Claiborne, Bolling Robertson, Barrow, Toulmin, and, above all, of Governor Holmes, had enabled Madison to size up the situation with precision and take his measures accordingly. Smith was

therefore hardly within the bounds of truth in saying that "we are strangers to everything that has happened."[12] Possibly Madison did not inform him of all that occurred, and if so, the president and his preceptor, Jefferson, must also share in the obloquy.

Smith trod upon more certain ground when he claimed that the administration acted to keep England out of Pensacola and Baton Rouge. Such a position would enable that power to close "our outlets by the Mobile and the Mississippi. We hope your government will not take it ill that we should defend the part of Florida in dispute between Spain and us; and whether our pretensions are well founded or not, your interest, like ours, requires us to oppose the enterprises of England in that country." Turreau assured Smith, as he had his predecessor, that an attempt by England to possess any of this territory would be sufficient to cause France and the United States to compose their relatively slight disputes and make common cause against her.

Smith also used the fear of England to justify his efforts to break up the filibustering efforts against Mobile. "*Whatever power may direct Spain,*" he pointedly told the other, the United States could not lose sight of her interests there. Claiborne, who had been sent posthaste to the threatened frontier, would

[12] Adams, History of the United States, V, 313; Turreau to Champagny, Dec. 6, 1810, Archives des Affaires Étrangères, États Unis, MS., Vol. 63, 280.

oppose any British adherents there. The current dispatches of Morier and De Onís show that there was some reason to apprehend British influences in the Floridas, but Turreau's qualified approval of American measures was probably due to the commercial situation in Europe. West Florida was a cheap price to pay for acquiescence in Napoleon's exactions.

At home the administration faced an uncertain public opinion. Most of the Federalist papers attacked Madison's course as unconstitutional, unjust toward Spain, and likely to involve the United States in a war with Great Britain. The Virginia Patriot, taking a mixed view, regarded his action as belligerent, but constitutional, and commendably prompt and decisive. Moderation in pushing claims to the territory, while Spain was in control, was uncalled for after revolt broke out there. Neither England nor Spain had any just cause to complain because the president ordered troops into the region. To call such action a breach of the constitution was to make "a bear out of a bramble." He had as much right to send troops there as across the Mississippi, where we had similar territorial claims.[13]

New England Federalism was inclined to take a less lenient and likewise more accurate view of the executive policy. Northampton, Massachusetts, adopted resolutions against the president's action as

[13] Quoted in the National Intelligencer, Dec. 25, 1810.

unauthorized, wasteful, and likely to involve us in warfare with a magnanimous nation struggling for its very existence. In the Columbian Sentinel, John Lowe attacked the executive in a series of essays, afterward published in pamphlet form as "The Impartial Inquirer." His main contention is that France, before 1763, did not possess exclusive title to the region in question. Great Britain continually disputed its validity. The correspondence between Pitt and Bussy, and between Pitt and Vaudreuil, before 1763, clearly recognized the Indian tribes as barrier nations. In his discussion of the Treaty of San Ildefonso, Lowe favored the Spanish interpretation of the perplexing three clauses. The whole question, he averred, was too complicated for all but lawyers, but it involved a moral standard that should obtain among nations as among individuals.[14]

Madison informed Congress, when it met in December, that he regarded his action in West Florida as legal. He defended his unusually vigorous course by the familiar plea that events there threatened the peace of the Union and American territorial claims. He did not doubt that Congress would take the same view and promptly incorporate the territory with the Union. Inspired articles in the Intelligencer sup-

[14] The Impartial Inquirer, etc. By a citizen of Massachusetts (John Lowe), Boston, 1811, Library of Congress; enclosure in Morier to Wellesley, May 9, 1811, MS., British Foreign Office, America, II, 5, Vol. 74.

ported his message, by presenting a résumé of the American claim to the region "fairly traced," and by references to the act of October, 1803, authorizing the president to take possession of Louisiana, and to subsequent legislation for organizing Orleans Territory.[15] These articles followed the usual American arguments that were designed to establish "an undisputed title" to West Florida.

Such inveterate critics as Senator Pickering acknowledged that the president's course seemed bold; but Pickering thought it rash and unwarranted. The United States had no title to the region; the administration had acquiesced in Spanish occupancy and had consented to negotiate its claim. At a word from France it had dropped negotiation, and now at the behest of the same power had, he believed, inspired the revolutionary proceedings there. Ellicott again pronounced the American claim untenable. McHenry, the former secretary of war, expressed some uneasiness over the disposal of the region; and Walter Jones of the War Department, while feeling that the president had acted as properly as could be expected, thought he had gone "full far enough, in what are called acts of decision, for a country without soldiers, without discipline, and almost destitute of the means to raise them."[16]

[15] Adams, History of the United States, V, 317, 318; National Intelligencer, Dec. 8, 22, 25, 29, 1810.

[16] Pickering to McHenry, Dec. 17, 1810, Steiner, Papers of

The president's message proved a disagreeable confirmation of De Onís worst surmises. The latter at once urged the frontier officials to be doubly watchful of their remaining holdings. Not diplomatically recognized himself, he dispatched Bernaben to Washington to deliver a personal protest, and asked Morier to back him up. The Spanish representative was persuaded that the events in West Florida could never have disturbed the tranquility of neighboring territories if the American government had taken pains to restrain its fractious citizens, as it had promised to do. In reply Smith assured him that the president's action was dictated by no hostility to Spain, as Claiborne's instructions to offer no violence to the Spanish forces showed; but to prevent the inhabitants of the disputed area from asking the protection of France or England. The intimation that Spain could not adequately defend her possession little pleased the unrecognized Spanish minister, but he could do nothing except try to work on Congress and to enlist Morier.[17]

The English chargé had not intended to broach the subject without further instructions from home. He thought that Turreau was already giving the American government some anxious moments—perhaps demanding possession in the name of Joseph Bonaparte

James McHenry, 559; Walter Jones to (?), Jan. 7, 1811, Lenox MSS.

[17] Bernaben to Smith, Dec. 10, 1810, Spanish Notes, MS., II, Bureau of Indexes and Archives; De Onís to Captain-General, Dec. 20, 1810, Legajo 1708, Papeles de Cuba.

—and that his menaces, with some aid from the viceroy, would result in the recovery of the threatened district. Upon De Onís' request, however, he asked Smith why West Florida could not as well be the subject of negotiation in the hands of Spain as of the American government, especially when the latter had to commit an act of hostility to get possession of it. After once discussing its status it was certainly an act of warfare to take forcible possession of it. Furthermore how could it continue to be the subject of negotiation after it had been "received into the bosom of the American family?"

Although Morier spoke in behalf of his country's ally, he had no explicit instructions to guide him, and desired to speak in a most conciliatory manner. As a sample the following passage seems typical of British diplomacy of this period. Doubtless those whom he addressed deserved it, but it was hardly likely to conciliate them. "But it may be said that the Spanish forces in Mexico, in Cuba, or at Pensacola are unequal to quell the rebellious associations of a band of desperados who are here known by the contemptuous appellation of land jobbers. Allowing as much (which you will agree with me, Sir, is allowing a great deal) would it not have been worthy of a free nation like this, bearing as it doubtless does a respect for the rights of a gallant people at this moment engaged in a noble struggle for liberty, would it not have been an

act on the Part of this Country, dictated by the sacred ties of good neighborhood, and of Friendship which exists between it and Spain, to have simply offered its assistance to crush the common enemy of both, rather than to have made such interference the pretext for wresting a province from a friendly power and that in time of her adversity."[18]

Morier made his vigorous protest without instructions because of the "uncandid proceedings" of the American officials. He hoped, at least, to make them refrain from further conquest. As Smith assured him that Claiborne was ordered not to attack any Spanish force, he anticipated that he would be successful in this, provided Folch had enough men to hold Mobile against the Conventionalists. The American government attempted to confine the discussion to Spain alone, but it had not contended for this till after that nation had broken with Bonaparte. Accordingly it could not object to a remonstrance from Spain's new ally. By instructing its minister to discuss this remonstrance in London, the administration tacitly admitted British interest in the subject. Morier assumed that the whole affair arose from French instigation. Turreau's formal remonstrances, belied by his reported utterances, merely strengthened his assumption.[19]

[18] Morier to Smith, Dec. 15, 1810, MS., British Legation, V, Bureau of Indexes and Archives.

[19] Morier to Wellesley, Dec. 28, 1810, MS., British Foreign Office, America, II, 5, Vol. 70.

Morier's note, carefully censored, accompanied the president's secret message on the Floridas. Smith also enclosed a copy to Pinkney, and requested him to explain at once that the United States intended no hostility against Spain.[20] It was doubly necessary to make this explanation, for, by the action of the executive and Congress, East as well as West Florida was shortly brought into the complicated discussion.

During the session of 1810–11 this discussion assumed a threefold phase. Congress reviewed the acts of the president and his subordinates under the proclamation of October 27; considered the status of the remainder of West Florida and of East Florida, in accordance with the secret message of January 3; and, finally, attempted to dispose of the territory already acquired and that in prospect in such manner as would be agreeable to its inhabitants and their immediate neighbors. These points promised to give the "Dashers," as one termed the ready supporters of the administration, full employment.

Senator Giles of Virginia introduced a bill to extend Orleans Territory to the Perdido.[21] This bill gave an opportunity to discuss the first and third phases mentioned above. In the absence of its sponsor, Pope of Kentucky opened the debate on the bill,

[20] Smith to Pinkney, Jan. 15, 1811, Instructions, MS., VII, Bureau of Indexes and Archives.

[21] Steiner, Papers of James McHenry, 560.

December 27, 1810. His discussion of the American title to the region lacked both originality and clarity. His defense of the expediency of the proclamation was clear enough. Spain had refused to pay American commercial claims and was entitled to no consideration from the United States. As Bonaparte had favored the independence of the Spanish colonies, he could not complain if the United Statees should annex the Floridas, Cuba, or any other portion judged expedient, provided it were done with the consent of the people living in the annexed area.[22]

Bradley of Vermont presented a novel argument with even less to support it. In 1803 France had no real title to West Florida, but her representatives implied that she had. Now that the French were absorbing Spain and her possessions, the United States might legally require them to deliver the disputed portion.[23] On the following day Horsey of Delaware quickly disposed of this argument. If the American negotiators permitted themselves to be deceived in 1803, their country must now bear the consequences. Far from being expedient, the proclamation was an unauthorized assumption of legislative power and an act of war. The fact that all Europe was relapsing into barbarism gave the United States no license to do the same. His discussion of the American title under the

[22] Annals of Eleventh Congress, Third Session, 37–42.
[23] Ibid.

Treaty of 1803, it is needless to say, was diametrically opposed to that of Pope.[24]

Henry Clay, the young senator from Kentucky, who was filling out Adair's term, posed as the chief defender of the administration. His historical summary of the title to West Florida was based on the grant to Crozat and the local agreement to observe the Perdido as a jurisdictional boundary. In 1800 Spain had in some measure controlled Baton Rouge, Feliciana, and Mobile from New Orleans, as France had done before her, so that she was bound to cede this territory to the United States as part of French Louisiana. The Act of October, 1803, provided for the occupation of Louisiana, not merely its temporary government, and in the former sense the president might still use it to justify his proclamation. West Florida rendered New Orleans susceptible to attack by some new Burr faction or a foreign enemy, and its own weakness was a constant temptation to seize it. Consequently the president's action was wholly expedient.[25]

The eloquent, if illogical, defense by Clay typified the new American spirit of which he was later so brilliant a champion. Pickering of Massachusetts, in so many points his antithesis, attempted to fix on the administration the charge of French subserviency that

[24] Annals of Eleventh Congress, Third Session, 43–55.
[25] Ibid.

we have already noted. In doing so he quoted Talleyrand's letter of December 21, 1804, from which the Senate had not yet removed the pledge of secrecy. This raised a point of order that led to his censure, and in the ensuing wrangle the Senate found a pretext to drop the unwelcome subject.[26]

The House, meanwhile, was emphasizing the domestic phase of the Florida problem. This narrowed itself down to a struggle between Mississippi and Orleans for the despoiled territory. Many were unwilling to have the latter, now about to become a State, control both the Mississippi and the Mobile. Poindexter, delegate from Mississippi, wished to await the result of the debate in the Senate. His proposal arose less from a desire to avoid foreign complications than from a hope that he might thereby advance statehood for Mississippi. Troup and Bibb of Georgia were averse to including within the proposed State of Louisiana an area that the president had declared subject to future negotiation. Barry of Kentucky wished to reserve to the general government the power to change the boundaries of the State. Sheffey of Virginia thought that neither the executive nor the treaty-making power could give away territory.

On January 3 Bibb proposed a resolution annexing the territory to Mississippi; Miller of Tennessee supported this, because it would divide the control of the chief watercourses and still provide the proposed State

[26] Annals of Eleventh Congress, Third Session, 43–55.

of Louisiana with a white population predominatingly American. His colleague Rhea thought that the treaty of cession forbade the annexation of a part of the Louisiana Purchase to any other state or territory east of the Mississippi. Finally, on January 10, Sheffey secured the passage of an amendment omitting the disputed region from the proposed State. In this form, after Josiah Quincy's famous disunion speech, the bill passed the House by a vote of 77 to 36.[27] In the Senate, Tait of Georgia made an unsuccessful attempt to include in Louisiana the region to the Pearl. On February 20 the president signed the enabling act for the new State, but this area did not yet form part of it.[28]

De Onís believed that this moderation in congressional action was partly due to a memorial which he had published under the pen-name "Verus." In this he represented the whole unjustifiable course of the United States in West Florida as part of a Machiavellian plot instigated by Bonaparte. His arguments had been given unexpected publicity in the Federalist newspapers. Folch's recent defeat of the insurgents had likewise placed the administration in a very embarrassing position.[29] The "immaculate Republi-

[27] Annals of Eleventh Congress, Third Session, 486–514, 534, 537.

[28] Ibid., 103, 104; Adams, History of the United States, V, 320–326.

[29] De Onís to Captain-General, Jan. 5, 1811, Legajo 1708, Papeles de Cuba.

cans," as the English chargé termed them, having experienced great difficulty in justifying their usurpation, were falling back on the plea of self-defense, and were inclined to be guided by what they had previously called the perfidy of European nations. "Many," wrote Morier, "viewed [the West Florida question] as big with fatal consequences to the Peace of this country."[30]

Both Morier and De Onís received conflicting reports regarding Claiborne's course in Baton Rouge and at Mobile and Pensacola. Both, however, feared that the recent secret message of the president to Congress concerned East Florida. The Democrats were predicting some energetic measures, but Morier anticipated energy in nothing but words from a country with an empty treasury and an army of five thousand men, of whom some fifteen hundred only were in the Southwest. If, therefore, the United States should occupy the Floridas, as he thought very probable, and thus bring on a war with Spain and England, it would not be difficult to blockade the Mississippi, or to invade Orleans. These acts would distress the western country and lead it to revolt from the Union. Besides encouraging western separatism, he suggested the possibility of working among the slaves of the Carolinas, Georgia, and Mississippi and of sending regiments of

[30] Morier to Wellesley, Jan. 12, 1811, MS., British Foreign Office, America, II, 5, Vol. 74.

blacks from Havana to assist them in their struggle for freedom.[31]

By the middle of February the British and Spanish representatives learned that Congress in its secret session had authorized the president to occupy East Florida, as they had feared, and that Matthews and McKee were already at work on the border. Through Dallas, De Onís protested that Spain had never given the least motive for an act so contrary to international right. Coming so soon on the heels of the president's proclamation, it was likely to stir up trouble for which his nation could not be held responsible. The administration vouchsafing no reply, the incensed Spaniard poured out his wrath to the viceroy and the captain-general. Never amid all her recent buffetings had the mother-country suffered so grievous an insult, delivered under the cloak of friendly righteousness. The American government, while disclaiming any part in the disturbances in the Floridas, had deliberately initiated them. Nor did it have the shame to conceal its unjust and cowardly spoliation by passing a law to check its own turbulent border. Condemning the course of England against Denmark, it was guilty of a grosser outrage toward its unfortunate neighbor. Its action was another proof of Bonaparte's domination. No improvement was to be expected from the present

[31] De Onís to Captain-General, Jan. 22, 1811, Morier to Wellesley, Jan. 24, 1811, cf. notes 29 and 30 for sources.

administration, but the time might soon come when its head would bitterly repent of his unmoral measures against Florida.[32]

De Onís' best ally, Morier, called the attention of his government to the action of the insurgent leader. Smith had claimed that Skipwith would resist the American forces; but when the latter entered Baton Rouge, the quondam governor of the insurgent state quietly retired to his plantation. This confirmed Morier's earlier opinion that the convention was simply a mock government used by the Americans to cloak their aggression. Later a Federalist newspaper published a copy of Claiborne's incriminating letter to Wykoff, which in the view of this editor and his fellows and of the British chargé simply confirmed their opinion of the administration's hypocrisy. Morier could, however, derive some satisfaction from the fact that Congress had as yet made no disposition of West Florida; that Folch still retained Mobile, and with reinforcements might restore his authority to its previous limits; and that Cushing and his fellow-officers were under arrest and facing a court-martial.[33]

In April the incompetent Smith gave place to the more promising Monroe. Bernaben, the useful subordinate of De Onís, immediately subjected the new

[32] Bernaben to Monroe, June 2, 1811, Spanish Notes, MS., II, Bureau of Indexes and Archives; De Onis to Viceroy, Feb. 12, 1811, Historia, MS., Vol. 161, A. G., Mexico.

[33] Morier to Wellesley, Feb. 16, 26, May 9, 1811, cf. note 30.

secretary to a vigorous résumé of Spain's injuries. The United States permitted France to hamper her commerce and to plot insurrection in the Spanish colonies on her very soil, despite the present and past favors that she received from Spain. Moreover, incited by French precedents in Europe, she had stimulated revolt in Baton Rouge and occupied that point when Spain, weakened by European conflict, could not protect herself. After this territory had been the subject of negotiation, such an act was doubly hostile. Spain would gladly have concluded the diplomatic dispute had not political conditions for which she was not responsible absolutely prevented her. In the name of the Regency he requested the United States to evacuate any part of West Florida in its military possession and restore conditions as they were. Otherwise his nation must adopt such measures as its interests and power required.[34]

This vigorous arraignment, if not covert threat, led to an "unofficial conversation" between the new secretary and Bernaben. Monroe was surprised that the latter charged the United States with unfriendliness, but he answered with a catalogue of complaints dating from Garroqui's mission. Among these his own exasperating negotiation in 1805 played a con-

[34] Bernaben to Monroe, June 7, 1811, Spanish Notes, MS., II, Bureau of Indexes and Archives, cf. also report in Papers in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library.

spicuous part. As for West Florida, it was well known that his government had no agency in the revolt there. When affairs became too critical for Governor Folch, he tried to save himself by offering to surrender his province to the United States. The latter did not recognize the assumed authority of the convention but suppressed that body, and by doing so preserved Folch in the residue of his government. Though it had the right and the power to force him to surrender this, according to his promise, it refrained from doing so. It had made no attempt to acquire a title through this series of events, for it already possessed an incontrovertible one under the Treaty of 1803, nor did it propose in any way to recognize the land claims of the revolutionists. Anyhow the territory east of the Mississippi, now surrounded by the United States, could be of little use to Spain. For that power to persist in maintaining it only indicated a purpose to annoy the other.[35]

The pass between Bernaben and Monroe indicated that the administration henceforth proposed to defend itself with greater vigor, if not with less speciousness. Pending the arrival of new instructions from across the Atlantic, De Onís could only note the movements of American troops toward the threatened frontier and speculate upon the outcome of the secret action of Congress, which, he surmised, must concern both the Floridas. It was rumored that Joseph Bonaparte was

[35] Ibid.

to sell them to the United States, through Joel Barlow, the new minister to France. He feared that the administration might at the same time try to seize Texas, which it also claimed. When the proposal to occupy East Florida revealed the full import of Folch's ill-advised offer, he urged captain-general and viceroy alike to make common cause against American cupidity. His urging was supplemented by direct orders from the Regency to aid the governor of West Florida in every possible way.

That body also instructed Juan Ruiz de Apodaca, its representative in London, to inform the British government of the events that showed such marked American hostility and to ask it to intervene in behalf of "a more regular conduct." Accordingly the British Cabinet added Apodaca's request to the burden of A. J. Foster's delicate mission. The American administration had not given Morier the explanations that Smith had promised, but rather had pressed for the surrender of Mobile and the organization of the invaded territory. Foster was to protest against any further occupation and also against any similar action in East Florida, where the United States had no claim whatever. He was to "soften" this protest, make no threats, and after submitting his report, await further instructions.[36] Evidently Jackson's blustering course had taught his superiors a lesson.

[36] MS., British Foreign Office, Spain, *72*, Vol. 177; MS., British Foreign Office, America, II, 5, Vol. 75.

When Foster arrived he and Bernaben cooperated to give the administration, early in July, 1811, the discussion on West Florida that Madison had invited in his proclamation. The Spaniard accepted the report that troops were still being sent from New Orleans to West Florida as evidence that the government was less friendly than it professed. As the occupation of this region constituted the chief obstacle to negotiation, he demanded its evacuation before Spain could even consider relinquishing the Floridas.[37] His statement may mean that the concession would lead his government to act as it did in 1819, but there was no Jackson in the field to force such a treaty.

In a personal interview with Monroe, Foster "urged with as much force as temperate language would admit, the ungenerous treatment" that the United States had visited upon Spain in her extremity, and that, too, in defense of a doubtful claim. Monroe retorted that the area geographically belonged to the United States, and that his country had an unquestionable right to it anyhow. It was a humane act on the part of the administration to preserve the few Spanish soldiers there from the insurgents. Possibly it may have been this that inspired Foster's later reference to Monroe's "arguments of a most profligate nature"; though very

[37] De Onís to Captain-General, May 21, June 1, July 1, 1811, Legajo 1708, Papeles de Cuba; Bernaben to Monroe, July 4, 1811, Spanish Notes, MS., II, Bureau of Indexes and Archives.

likely it was Monroe's unkind insinuation that in its general policy the United States was more scrupulous than other nations. Certainly it had not assisted the insurgents in South America in order to advance its commercial interests there.

But neither counter-claim nor insinuation could shake Foster's belief in the validity of Spain's position. The conditions in West Florida did not render it expedient for the United States to intervene, nor could the executive quote one invitation from the local authorities there to justify the forcible occupation of territory. The Spanish government would never have condoned such a request. He doubted the genuineness of Folch's offer to surrender his province. This led him to ask about the act empowering the president to take possession of East Florida—a subject which he had not originally intended to broach. Monroe at first affected ignorance, but later betrayed himself by laughter. Yet he refused to state what might happen should a hypothetical Skipwith or a hypothetical Folch be opportunely located there.

Foster believed that the American officials were only too ready to take advantage of the needs or the fears of their Spanish neighbors, as they had done in Folch's case. Also land speculators were settling East Florida for the purpose of stirring up rebellion and calling in American aid. British and Spanish success on the Peninsula had retarded this project; but noth-

ing but the probability of war with Great Britain would cause them to abandon it. He regarded American occupation of East Florida as a disadvantage to his nation, and suggested that some British executive in the West Indies should offer to aid the officials there and at Mobile against any insurgents. Such an offer might be made to appear spontaneous, yet it would lead timorous Americans to hesitate before involving their country in a war with Great Britain. Anyhow, the insurgents were generally renegade Americans who could not claim the protection of their own government.[38]

In his formal note following the interview Foster wisely forbore to mention East Florida. The Americans evidently would not employ force there, nor were they willing to do so at Mobile, where the old commercial controversy was again in progress. He found sufficient exercise for his pen in discussing the occupation of Baton Rouge and the resultant catalogue of Spanish complaints. He hoped that territorial ambition had not prompted this occupation, or the present condition of Spain; but at best it was an ungenerous act. As the American government evidently did not intend to change its policy, he did not hesitate to present "the solemn protest" of his own government "against an attempt so contrary to every principle of

[38] Foster to Wellesley, July 5, Aug. 5, 1811, MS., British Foreign Office, America, II, 5, Vol. 76.

public justice, faith, and national honor, and so injurious to the alliance subsisting between His Majesty and the Spanish nation."[39]

While the administration resented Foster's interference, Monroe undertook to give him a "friendly" explanation, obviously designed for the public that shortly read it. He repudiated the idea that his colleagues had tried to take advantage of Spain's necessities, although the other government afforded them numerous precedents for such a policy. Without enumerating all the just complaints of his nation against Spain, he mentioned the suspension of the deposit at New Orleans and the commercial spoliations. Although the United States did not depend wholly on them for justification, she did not expect to neglect them entirely. Great Britain and France had made reparation for such claims. Some six years before Spain had invited the United States to negotiate upon the claim to the Perdido. In accepting this invitation the United States had hoped to settle that and all other points in dispute between the two countries, but had been disappointed. Thus he naively passed over his failure at Aranjuez. Since that unsuccessful negotiation, the affairs of West Florida had remained in a state of confusion favorable to neither nation, but the United States made no attempt to profit by this. In

[39] Foster to Monroe, July 2, 1811, MS., British Legation, VI, Bureau of Indexes and Archives.

the preceding year, however, the United States could not be indifferent to the revolt of its inhabitants which threatened her rights and at the same time wrested the province from Spain. In occupying that part no longer controlled by the Spanish troops, his nation consulted Spain's honor as well as her own rights. By this occupation the United States acquired "no new title to West Florida. It wanted none." His government proposed to adjust amicably "all the other points at issue" as soon as Spain was ready, and then "her claim to this territory [might] also be brought into view and receive all the attention that [was] due it."[40]

Monroe was interpreting the president's promise to submit the West Florida question to future negotiation in a way that had occurred to few of his contemporaries. Yet it was obviously the only way to justify forcible occupation. The man who had clung so tenaciously to the West Florida claim, in opposition to Talleyrand and Cevallos, now had the chance to maintain it as a *fait accompli,* and undoubtedly took a certain malicious pleasure in making a British representative realize this. He stated that Pinkney had not been able to give the necessary explanations in London, but hoped that his own "frank" course would completely satisfy the British government.

Evidently his "frankness" did not, for early in

[40] Niles' Register, I, 188.

September, 1811, upon De Onís' initiative, Foster asked Monroe to explain Matthews's course in East Florida. The United States certainly could not allege any claim there to justify its agent's correspondence with traitors or attempts to bribe Spanish subjects from their allegiance. Some two months passed before Monroe deigned to answer this. He based his defense on the commercial claims, which were more valuable than was East Florida. In this matter the United States owed something to its citizens as well as to Spanish honor, so it could not permit the region to pass into the hands of a third power, or even to remain as a possible temptation. Its action, therefore, predicated upon the consent of the local authorities, or the designs of a third power, simply afforded another evidence of its "just and amicable views" toward Spain, and its representatives abroad had been instructed so to explain it. This, Monroe intimated, ought to close the discussion, for the United States would pursue its just and honorable course only so long as it comported with national honor and safety.[41]

Monroe was evidently very "warm" over the correspondence, as Foster reported him, and seemed to view possible hostilities with much less dread than the British minister anticipated. The British cabinet was content to rest the discussion wholly with Foster, and the Regency definitely expressed their obligation

[41] Niles' Register, I, 189, 190.

for his services. During the winter of 1811–1812 there were rumors that the English and the Spaniards would unite to defend the Floridas as a step against the general independence of the Spanish colonies, but the cabinet did nothing beyond ordering the admiral on the American coast to watch hostile demonstrations in the region. In the spring of 1812 Foster renewed his complaints against Matthews's course in East Florida. Monroe acknowledged that the latter was exceeding his instructions, and later reported orders to supersede him, but, to Foster's mortification, failed to make any reference to West Florida. On the eve of war between the two nations Foster made a last attempt to secure recognition for De Onís, suggesting the possibility of acquiring the desired Floridas in the ensuing negotiations. But Monroe quoted the recent resolution of the Spanish Cortes against alienating territory as an effectual bar to such a settlement.[42]

The outbreak of war between the United States and Great Britain presented a new problem in Anglo-Spanish relations. The British representative in Spain reported the event to the Spanish Council of State with an evident desire to enlist its aid in the conflict. A long series of unfriendly acts by the Americans,

[42] Foster to Wellesley, Apr. 2, 1812, MS., British Foreign Office, America, II, 5, Vol. 85; Foster to Castlereagh, May 21, 1812, MS., British Foreign Office, America, II, 5, Vol. 86; Foster to Monroe, Apr. 6, June 6, 1812, MS., British Legation, VII, Bureau of Indexes and Archives.

culminating in the occupation of Baton Rouge and Amelia Island, constituted virtual warfare against Spain, although accompanied by no formal declaration of hostilities. The Council of State, however, determined to take provisional action only. Spanish officials were to adopt every precaution against American aggression and should even ask British naval officers to assist in protecting their shipping. They should express to Great Britain their intention to follow her lot, but at the same time express a desire to keep out of the struggle as long as possible.[43] This decision was not so one-sided as it seemed, for Great Britain was able to violate the pretended neutrality of the Spaniards whenever it suited her purpose to use the Floridas, while open hostility on the part of Spain would have delivered those territories immediately to the Americans.

Although avoiding formal warfare, the Spanish authorities were by no means inclined to minimize their resentment against the Americans. This was voiced by Pedro Labrador in a report to the Cortes on December 31, 1812. From the beginning of the struggle of Spain against Napoleon the American government had shown its unfriendliness. It had refused to receive De Onís, the representative of the Regency. It had intrigued to gain possession of the Floridas,

[43] Libro de Actos del Consejo de Estado, 13 *d*, Aug. 6, 1812, Estado, A. H. N., Madrid.

and finally had occupied portions of them, after instigating revolt, and was evidently disposed to absorb the rest. These and similar warlike acts elsewhere revealed the hostility and guile of the American government and the rank ingratitude of the American people.[44]

An anonymous memoir of the period sought still further to arouse the Spaniards against "the democratic government of the United States." Under the Frenchified Jefferson and Madison its authorities had stimulated the revolt in West Florida in 1810; had threatened to overwhelm Spain in her hour of necessity by such "unworthy pretexts" as spoliations and territorial claims; and had recently attempted to annex both the Floridas, corrupting officials there if necessary to accomplish its purpose. From this scene of intrigue its "emissaries and democratic agents" had spread to the interior provinces of Mexico, where vagabond invaders were following them. It was evidently the intention of the American government to aggrandize itself by fraud and force, ultimately establishing "Democracy and its companion Atheism" throughout New Spain. The root of all these evils was a fraudulent transaction which gave the United States possession of Louisiana, but no property right

[44] A copy of this report, dated at Cadiz, Dec. 31, 1812, is found in Papers in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library.

there. Nor had that power since gained the allegiance of its people. By assisting them to separate from the Eastern States, Spain might make Louisiana into a friendly barrier. The region could then be organized as a "modern monarchy" under the joint guarantee of Spain, England, Russia, and Sweden, with the Floridas and Texas attached to it. This new power, like the infant Hercules, would "strangle the serpent of Democratic usurpation" and effectively restrain all enterprises against Spanish America.[45]

The author of this curious diatribe may have been Richard Rayneval Keene, a land-hungry aristocrat of the period, who seems to have learned little from several years' residence in New Orleans. The essential point to note in it is that the Spanish authorities were gradually coming to transfer their concern at American progress from the Floridas to the Louisiana-Texas frontier. The contemporary mission of John Hamilton Robinson, one of Monroe's "emissaries and democratic agents," to Chihuahua afforded a definite case in point. He was provided with documents to explain the course of the American government in East and West Florida, but his real purpose was undoubtedly to open up commercial relations with Mexico. For this reason the Spaniards regarded his mission as a continuation of those undertaken by Wilkin-

[45] A copy of this memoir is filed in Miscellaneous Letters, MS., Vol. 54, Bureau of Indexes and Archives, under date of Jan. 1, 1817.

son and Matthews. Such efforts betokened equal peril to Spain's political control and Britain's commercial supremacy.[46]

France, too, had an interest in the fate of the Floridas, as well as in the future of Spanish America. This interest continued, as before, to be associated with Napoleon's general commercial policy. Bassano, whose devotion to the Continental System had given him Cadore's place, must be brought to approve recent American action, as his predecessor had apparently done. To this task, therefore, Jonathan Russell, the chargé at Paris, addressed himself in the latter part of April, 1811.

Mentioning the long-cherished desire of the United States to possess the Floridas, for which its commercial claims against Spain afforded a fair equivalent, Russell stated that the recent revolts in the Spanish colonies rendered annexation absolutely necessary. But the administration was uncertain with whom to negotiate for a perfect title. Certainly any power claiming Spain must assume her debts, and in lieu of these might be willing to trade the Floridas or make some other just indemnity. Having established this basis for a bargain—which it must be confessed is rather one sided—Russell went on to clinch it by as-

[46] For Robinson's mission consult my article on "Monroe and the Early Mexican Revolutionary Agents" in the Annual Report of the American Historical Association for the year 1911, 199–215.

suring Bassano that if circumstances compelled the United States to occupy the region, France would not receive harm, nor any other power have cause to object. The United States would have the means to pay the claims of its citizens and to carry out its customs laws more effectually.[47]

As these customs laws bore more hardly on Great Britain than on France, Bassano was not likely to object to the latter point. But if American citizens were to profit from this transaction, and the United States to gain the desired territory, there must be some compensation for France as well. Of course the assumption of all claims against that power, as well as against Spain, counted for something; but in addition the Americans had formerly been willing to make a cash payment to France, and had even appropriated ten million francs for this purpose. They might now be induced to pay this sum or even to double it. The transaction might easily be arranged through a treaty with Joseph Bonaparte, or through an arrangement forcing him to transfer the territory to France and then cede it to the United States. Bassano showed that France had never supported the claim to West Florida and that the Americans could not strengthen their right to it by seizing both Floridas as security for their commercial claims. Nor did the mere verbal

[47] Russell to Bassano, Apr. 30, 1811, Archives des Affaires Étrangères, États Unis, Supplement, MS., Vol. 8, 249.

promise of Cadore not to oppose this occupation estop France from receiving the sum mentioned above.[48]

In his note reviewing the discussion with Bassano, Russell did not mention any compensation for France beyond the assumption of commercial claims.[49] Obviously such compensation was contrary to Madison's hope, expressed to Barlow, that the emperor would make no unworthy attempt to extract money from the United States by means of the Floridas. When Barlow reached Paris, Petry, Bassano's subordinate, reported that the American bore no definite instructions on the subject. Congress had simply advised the president to occupy the region in order to keep Great Britain out. The latter power also desired the territory as a counterpoise to Louisiana, and had protested against the American occupation of West Florida. Its possession by the United States would protect the southeastern border and give both the United States and France commercial advantages in Mexico.[50]

About this time the French vice-consul at Portsmouth, Cazeaux, submitted a memoir in which he claimed that mere commercial advantages alone would not pay France for permitting the Americans to occupy the Floridas. France herself could derive many

[48] Ibid., 251; unsigned Note sur les Florides, probably by Bassano in Archives des Affaires Étrangères, États Unis, MS., Vol. 66, 34, 36, 37.

[49] Ibid., 80, 81.

[50] Petry to Bassano, Nov. 15, 1811, ibid., 287.

advantages from seizing the region where some French establishments already existed. Possibly he had Mobile and its vicinity in mind. Evidently the Americans were determined to possess all the territory east of the Mississippi, but a small force, say three frigates and some five or six hundred men, would cause them to abandon their purpose.[51] De Onís seems to have had some inkling of Cazeaux's suggestion, for he earlier mentioned a project to send a French expedition to Amelia Island.[52] Some months later an unsigned memoir reviewed the advantages that the United States would gain from the possession of the Floridas, and advised that France in return for her acquiescence should demand commercial privileges there, as well as in Louisiana, for a period of twelve years.[53]

Shortly after his correspondence with Foster, Monroe wrote Barlow that Spain owed the United States more than East Florida was worth, and that his country should look to that province for compensation, and in no case permit a third power to occupy it. On the other hand West Florida belonged to her by a title that could not be improved.[54] Perhaps he meant the

[51] Memoir, Dec. 14, 1811, ibid., 383–390.

[52] De Onís to Captain-General, Sept. 28, 1811, Legajo 1708, Papeles de Cuba.

[53] Archives des Affaires Étrangères, États Unis, Mêmoires et Documents, MS., Vol. 10, 361–363.

[54] Monroe to Barlow, Nov. 21, 1811, Instructions, MS., VII, Bureau of Indexes and Archives.

old rule that possession is nine points of the law. With such divergent views the French and Americans were not likely to agree in a division of Spanish spoils. In May, 1812, George Poindexter wrote that Barlow had been unable to arrange a satisfactory territorial and commercial treaty with the French emperor and there was no prospect that he would do so.[55]

Yet even in the midst of the difficult Russian campaign there was an attempt to settle these long-standing disputes. Possibly in view of impending disaster elsewhere, the emperor sincerely desired to gain the good-will of the United States. Petry at Paris suggested that the fifteen million acres of unoccupied lands within the Floridas ought to be worth at least three francs an acre to the United States. Bassano, now on the Russian border, wished to utilize any concession on the part of France in order to gain a favorable commercial treaty. For this purpose he ordered all documents relating to the Florida controversy to be transferred to him at Wilna. These documents ought to show that when France received Louisiana it included no part of the Floridas, and that the American representatives had frequently expressed such a belief. At one time the United States actually provided ten million francs for their purchase. In taking posses-

[55] Poindexter to Mead, Apr. 10, May 24, 1812, Claiborne Letters, B, MS., Department of Archives and History, Jackson, Miss.

sion of the disputed area the United States had promised to arrange for the rights of all interested parties, and this promise should now be utilized to end all claims for spoliations, including the recent ones of which Barlow was complaining.[56]

Evidently Bassano believed the settlement of these claims to be essential, for he said that if the United States persisted in its refusal to discuss West Florida as an offset to the spoliations, he might use the unsettled western boundary as an additional incentive. In view of the fact that revolt was spreading throughout her colonies, Spain might now be willing to relinquish the claims to the Bravo, although he did not think it very probable.[57] This suggestion of the perplexed minister indicated that the diplomatic interest formerly centering about West Florida was to be transferred further afield. Even the Spanish officials recognized this, although they were not at all willing to abandon their previous contentions in regard to the Floridas.

In the fall of 1812 Barlow left Paris for distant Poland in the vain hope of settling these disputes as

[56] Petry to Bassano, July 31, 1812, Archives des Affaires Étrangères, États Unis, MS., Vol. 68, 262; cf. also Vol. 68, 316, and Vol. 69, 86, 87, 336, 390–397.

[57] Roux to Brennin, Oct. 14, 1812, Archives des Affaires Étrangères, États Unis, Supplement, MS., Vol. 5, 416; Bassano to Serrurier, Nov. 25, 1812, Archives des Affaires Étrangères, États Unis, MS, Vol. 69, 390–392.

well as the wider question of commercial rights. In a sense the American fell a victim to Napoleon's ruthless policy which sacrificed diplomats as readily as divisions. Before his death in the little Polish village near Cracow, Barlow knew that it was hopeless to expect from the whilom giver of Louisiana any settlement of its complicated boundaries.[58]

[58] Adams, History of the United States, VI, 263–265.

CHAPTER XV

Incorporation and Adjustment

The people of the Baton Rouge district were anxious for prompt incorporation into the American Union; the American people generally desired to receive them. The question of adjustment, therefore, seemed relatively simple. There were, however, some details connected with the later Spanish régime and the brief period of independence that presented difficult problems. Among these were the recognition of land sales since 1803, the payment of the convention debts, and pardon for the deserters from American service. These points had aroused Skipwith's concern and for a time threatened to bring him into armed collision with Claiborne. Fortunately his better judgment led him to waive them, pending action by the executive and Congress.

Skipwith desired American intervention; but he was firmly persuaded that he and his associates could give the United States a better title to the region than did the president's proclamation, which foreign nations were not likely to recognize. He did not explain how he expected to induce them to recognize his embryo government. Yet when the occupation was an assured

fact he acknowledged that Claiborne had been magnanimous to the people of West Florida and courteous to himself. He assured his friend Graham that in case of foreign invasion the government might absolutely rely upon them, French and American alike.

The executive of the short-lived State felt doubly resentful because his proud eminence made him the easy target of newspaper abuse, in which the "chaste Intelligencer" and "the unchaste Aurora" alike joined. There was much in his melodramatic interviews with Holmes, his bombastic messages to Claiborne, and the concluding address of his legislative assembly to excite their mirthful sarcasm; but their victim writhed under Duane's "libertine abuse." The revolutionists were neither "Burrites" nor mere land speculators. Now that they had returned "to the bosom of their Parent Country," he and his former legislative companions wished their address to be buried in oblivion without aspersion upon themselves or censure for the national administration.[1]

Skipwith's friends regretted the false position in which he had placed himself. Monroe had written in regard to his ruinous controversy with Armstrong that if he had been less honest he would probably have been more fortunate. From distant Rio Janeiro, Thomas Sumpter, Jr., inquired what devil possessed

[1] Skipwith to Graham, Dec. 23, 1810, Jan. 14, 1811, Madison Papers, MS.

Skipwith. He had been so long a steadfast friend of his country that it was grievous to see him attempting a melodramic rôle in such poor company. James Bowdoin, who knew his tested worth in Paris, was concerned to think that his action in West Florida had cast a shadow on his reputation.[2]

Skipwith believed that the report of his actions as published in the Intelligencer was a literal extract from Claiborne's correspondence. Claiborne took pains to explain that this was not the case, although he had furnished the facts and could have told much more. He gave Skipwith full credit for his correct course after the occupation. In his second letter to Graham, Skipwith asserted the loyalty of his friends and himself to the Union, despite all attempts to calumniate them. He had opposed Kemper's operations and all attempts to enlist American citizens, so that no foreign government might have the least reason for suspecting the American authorities of fomenting the insurrection. Personally he had supported the agreement with De Lassus as long as he could, and had later assumed office in order to afford the United States an "honorable pretext" to take possession of the territory. Until that end should be reached he had hoped, with the aid of Dr. Steele and others, to preserve order and administer justice.

[2] Monroe Papers, MS., XII, 1593, 1588, Library of Congress; Hamilton, Monroe, IV, 512.

Having secured the desired intervention of the United States, the people hoped that some way might be devised for paying the expenses of their independent government and for releasing them speedily from a territorial organization. Skipwith preferred annexation to Orleans, for that would hasten the formation of a State there. Moreover the American element in West Florida would neutralize the French inhabitants, who had shown little progress in acquiring the English language or American ideas, and would make of it a State, entirely free from Bonapartist intrigues.[3]

About the middle of January, 1811, a series of insurrections among the slaves of the German Coast caused great alarm in Orleans and Mississippi and aroused some uneasiness in the newly acquired territory.[4] Two months later the latent discontent manifested itself in a more dramatic manner. When the residents of St. Francisville arose on a Sunday morning they beheld the flag of West Florida again waving from the top of the flagstaff. Evidently its reappearance some sixty feet high in the air was due to a mere prank, and no one cared to remove the emblem by climbing the pole or cutting it down. Moreover

[3] Skipwith to Graham, Jan. 14, 1811, cf. note 1.

[4] Butler to Holmes, Jan. 15, 1811, Mississippi Territorial Archives, MS., Vol. 9; Holmes to Colonel James Wood, Jan. 17, 1811, Proceedings Executive Council, Mississippi Territory, MS., I.

the flagpole was private property. As the report spread, considerable uneasiness developed. Then General Hampton happened to come into town, and ordered the flag to be cut down, for its presence seemed a deliberate insult to the government. When there was some hesitation to injure private property, he threatened to call out a company of soldiers for the task. The civil authorities then quickly had the pole felled. On the following day the flag was solemnly interred with elaborate military ceremonies, and a pretentious epitaph was placed over it.[5]

Scarcely had this farce ended when news reached St. Francisville that the Orleans legislature had refused to seat the five representatives from West Florida. This act seemed to be in keeping with Claiborne's previous palatine methods, although it is more likely that the blame should be given to Congress because of its delay in attaching the district to Orleans. The incensed people of St. Francisville immediately talked of a remonstrance to the president. Some attributed the action to the fact that the assembly was composed largely of Frenchmen who hated Americans and would be only too glad to cause trouble in West Florida. If that was what they were to expect when Orleans became a State, they hoped that the people of Mississippi Territory would be ready to meet the issue.[6]

[5] Nashville Clarion and Gazette, Apr. 2, 1811.
[6] Ibid.

Exaggerated reports of these incidents led the Spaniards to hope for respite from further American encroachments.

Skipwith had been one of the rejected representatives. He had prepared an elaborate defense of the whole revolutionary movement to present to the legislature, and later had contemplated using it as an address to his constituents, but he refrained from doing so. In his draft he opposed the American contention that West Florida was part of the Louisiana Purchase —a contention that he had previously assisted his friend Monroe to maintain. He reviewed the steps by which he and his associates had made themselves independent, showing that no other course was open to them. He commented bitterly upon Claiborne's hostile approach, so different from the tone of his letter to Wykoff, and contrasted his tenderness for Spanish sensibilities with his blunt course toward the convention. Yet its members desired to be incorporated in the Union and had no alternative but submission. But they expected Congress to better Claiborne's procedure.[7]

After Monroe became secretary of state, Skipwith felt that he had a friend at court who would give him credit for integrity of motive. Accordingly, on May 18, he sent Monroe the documents giving his inter-

[7] Address of Skipwith, West Florida Papers, MS., 111 ff., Library of Congress.

pretation of the West Florida revolution. When it seemed evident to himself and his companions that the United States did not intend to occupy the country under the Louisiana cession, they determined to proclaim their independence for the sole purpose of giving themselves to the United States. He had so informed his friends, Mason and Graham, and expected them to impart this information to the president. He then needed only a hint from either of them to check or extend the movement as was desired. Instead of recognizing his agency in any way, the administration permitted its own paper to make a most disgraceful attack on him. He had as yet taken no steps for public vindication, and now asked nothing of the administration but an opportunity to defend himself. He had mentioned his resentment only to Dr. Steele and Bolling Robertson, who supported the administration, and he requested Monroe to show his present letter only to his friends Mercer and Sumpter.[8]

Monroe requested Bolling Robertson to write Skipwith, but delayed his own reply for some months. Probably he did not intend to neglect his former intermediary, with whose misfortunes he sympathized, and he certainly cherished full confidence in the desire of Skipwith and his companions to advance the best interests of the country. With reference to the main point of Skipwith's letter he thus expressed him-

[8] Skipwith to Monroe, May 18, 1811, Lenox MSS.

self: "I shall say but little relative to the late affair in West Florida. I shall only remark that it was impossible for the U[nited] S[tates] to accept a title for it, from the revolutionary party. They would have been as much responsible to Spain, or any other government claiming Spain, in taking it from the revolutionists, as if they had driven the Spanish troops out by those of the U[nited] States. Spain would always have said that this party was put in motion by the U[nited] States, for the purpose of masking their views. In taking the country from it, they would have had the same difficulty to keep the possession against the ultimate possessor of Spain, as if they had taken it by force. If war had been the consequence, it would have fallen on the U[nited] States, not on the revolutionary party in Florida, who would have disappeared and mingled with the rest of their fellow citizens. In taking that course then the U[nited] States would have gained nothing as to title or security; and would have lost in character and likewise in property for [in] so far as they made the revolutionists any recompense for the cession, [just] so far it would be an entire loss."[9] We may regard Monroe's argument as no more convincing than Skipwith's, but he was defending an accomplished fact, not a theory. On the whole he offered what is possibly the best justification for the course pursued by the administration in the Florida intervention.

[9] Monroe to Skipwith, Oct. 22, 1811, Lenox MSS.

As the disputes over the status and the claims of the Baton Rouge district were gradually transferred to Washington for leisurely settlement, the frontier officials turned their efforts to the region further eastward. The situation along the Pascagoula especially demanded attention. When Colonel James Caller carried the president's proclamation to Fort Stoddert, he sent a copy to Sterling Duprée, who was then in the midst of his plundering course. That marauder immediately hauled down the convention flag and hoisted that of the United States, but he did not mend his ways. Moved by reports of his action, supplemented by the testimony of Captain George Farragut and Joseph Collins, Claiborne determined to send troops to repress disorder there and at Bay St. Louis. He commissioned a justice of the peace with instructions to organize the parishes of Biloxi and Pascagoula, the latter extending to Bayou Batture [Labatre?], some twelve or fifteen miles beyond Pascagoula River, and including the only family between that stream and Mobile. Commodore Shaw was to furnish a gunboat and Captain Farragut was to accompany him.

Judge Toulmin hoped that this action would repress lawlessness along the Pearl and the Pascagoula and give the law-abiding people there confidence in the American government. The residents along the Pearl seized one of the leaders of the disturbing element and sent him to New Orleans. It would have been

a hard task to apprehend Duprée and compel him to disgorge his plunder, for he had already partly disposed of it or divided it among his followers. One slave owner, the judge reported, was despoiled to the extent of $30,000, and other men of property had suffered in proportion. A resident named Audry lost his son in an encounter with the brigands. He later organized his neighbors, and pursued and killed a number of the miscreants, but failed to capture the leaders.[10]

It was high time to suppress lawlessness in the region. Claiborne's justice, Cuming, found his presence there "unavailing," for he brought no military escort. Duprée was unwilling to relinquish his arbitrary control, because, as Toulmin claimed, he still enjoyed the support of James Caller. In February Pérez reported that the American flag was flying at Pass Christian. Major John Darrington landed there with some three hundred soldiers and later sent two detachments in pursuit of Duprée.[11] That marauder, with his stolen negroes, took refuge in Washington County, while John Caller and his militia took charge at Pascagoula, pending the arrival of the American troops. Toulmin

[10] Claiborne to Smith, Dec. 28, 1810, Jan. 5, 1811 (Parker, 7687, 7700–7703); Caller to Holmes, Jan. 7, 1811, Mississippi Territorial Archives, MS., Vol. 9; Meek MSS.; Toulmin to Madison, Jan. 23, 1811, Madison Papers, MS.

[11] Meek MSS.; Pérez to Folch, Feb. 14, 1811, Legajo 63, Papeles de Cuba.

asserted that the failure of Claiborne to act promptly and with sufficient force led many of the prominent inhabitants to doubt if the United States really intended to take possession of the country. They began to talk of again tendering their allegiance to the Spanish government, but Toulmin advised them that this would once more precipitate civil strife.

In the spring of this year Toulmin visited New Orleans and Baton Rouge, and on his return reported general conditions to Madison. Aside from the disturbance at Pascagoula and the discontent already noted at Bayou Sara, the majority of the people in the recently occupied territory expressed unfeigned satisfaction at the course of the United States. In the region between Baton Rouge and Fort Stoddert, through which a definite trail now ran, settlements were hardly a day's journey apart. A hundred families had recently arrived on the Pearl. This increased population necessitated the prompt establishment of an organized government. The people were anxious to know in what territory they were to be included and how far occupancy or Spanish title would be respected.[12]

Among the prospective citizens who were interested in the future status of West Florida, James Innerarity occupied a prominent place. Toulmin had visited

[12] Toulmin to Holmes, Feb. 3, 1811, Mississippi Territorial Archives, MS., Vol. 9; Toulmin to Madison, Feb. 27, May 14, 1811, Madison Papers, MS.

him while on his way to New Orleans, and they had evidently talked over many happenings of common interest in connection with the calling out of the militia, Cushing's conduct in countermanding the order, and the abuse that Toulmin had suffered because of his agency in the affair. Colonel Cushing had saved the country "from the firebrands of the Tombigbee," but because the judge had set his face against the "innocent plans" of Kemper, Caller, and Kennedy, "thus slighting their patriotism, and snatching from their hands the prize which they were ready to grasp," they "abused, denounced, impeached, and burnt" him in effigy. Innerarity believed that they would have burnt Mobile in reality had they been given the chance.

Now these "worthies" were scrambling for the loaves and fishes that the "poor sand-bank and quagmire" had to offer. Innerarity contemplated with little enthusiasm the possibility of having the "learned, intelligent, upright, and brave" Kennedy for a judge or Wilson Carman for a collector. Referring to the bill that Giles had introduced into the Senate on December 8, he stated that the people of Mobile would welcome temporary union with Orleans Territory because of the "horror and dread" with which they regarded the "Bigbians." This, however, should be only a temporary arrangement, for they had no "natural connection" or common interest with New Orleans, and were destined to become commercial rivals.

For this reason Mobile ought not to be subject to her legislation. The provision of the bill in regard to land grants was also uncertain. The people could not tell whether it included those made up to the receipt of the proclamation, or only those granted previous to December 20, 1803.[13]

Toulmin did not favor even the temporary subjection of Mobile to New Orleans; but when he was in the latter city, in January, 1811, he advised Claiborne to extend his jurisdiction to the Perdido, leaving to the Spanish garrison at Mobile only so much of its environs as it could reasonably control. The Americans might then use the east channel of the Mobile, which was preferable to the other, and emptied into the bay some seven miles from the town, without interference from the Spaniards. They could protect this course by gunboats and a suitable garrison on its eastern bank or at the mouth of Dog River. At Claiborne's request Toulmin indicated such boundaries as would give the Americans control over an additional area about fifty miles square.

Claiborne readily acquiesced. Moreover he wrote Monroe that the Florida revolutionists had once possessed this area. He must have had in mind merely Kemper's operations.[14] A few days later the neces-

[13] Innerarity to McKee, Jan. 21, 1811, American Historical Review, II, 704, 705.

[14] Toulmin to Madison, May 14, 1811, Madison Papers, MS.; Claiborne to Monroe, June 7, 1811 (Parker, 7740).

sity for some organization became apparent. The military agent informed Claiborne that a schooner with stores for Fort Stoddert had not been allowed to pass Mobile. This promised a revival of the wearisome commercial wrangle, but if passed over in silence, would invite further insults to the American flag. With the discretion vested in him Claiborne felt justified in attempting to meet force with force, and asked Commodore Shaw to provide the necessary convoy for vessels that he proposed to send.

Claiborne also learned that slaves were being introduced into Mobile and then sold within the United States. This traffic constituted another reason for taking possession of the region. Pending this act, he requested Commodore Shaw to extend his cruising ground as far as the Perdido and to capture and send to New Orleans any vessels from a foreign port bound to Mobile with slaves. A few days later he himself left for Biloxi and Pascagoula to establish American authority there and place himself near the scene of prospective danger.[15]

The weeks that had passed since Folch repudiated his promise had not brought him assured peace. Filibusters and rebels, it is true, no longer hovered near Mobile, but American regulars afforded him scarcely less anxiety. With them, however, he could maintain definite relations. Pending the decision of his home

[15] Claiborne to Monroe, June 11, with enclosure, and June 16 (Parker, 7741, 7746).

government, he determined to avoid every chance for collision with them. He would thus afford the crafty American executive no pretext for further encroachment. Whether his superiors should elect to negotiate or to resist the advance of the Americans, his continuance in the fort at Mobile would be an advantage. Scant resources, intelligently directed, would enable him to remain there.

Someruelos had advised him to ask aid of the Indians. Folch replied that he could depend only on the Seminoles, who mustered barely five hundred warriors, while the four principal nations in American territory encircled them with twenty thousand. The governor was exaggerating the difficulties that surrounded him, for none knew better than he that a large proportion of these Indians were hostile to the United States. He wrote with more certainty that an attempt to incite the Indians would enable the president to control public opinion through more than five hundred periodicals and thus force from Congress the necessary supplies for a campaign against the Floridas. Moreover a new source of danger increased his dependence on the Americans. Vessels bearing various insurgent flags threatened to blockade Mobile and Pensacola and starve out his garrisons. He had asked the American commodore to drive these vessels away.[16] In

[16] Folch to Someruelos, Apr. 1, 2, 1811, Legajo 1569, same to same, May 29, 1811, Legajo 1570, same to same, June 24, 1811, Legajo 2330, Papeles de Cuba.

view of his request, the action of his subordinate in detaining an American vessel at Mobile was hardly conciliatory.

Such was Folch's situation when Claiborne sent his convoy toward Mobile. The movements of near-by American troops had already occasioned frequent *juntas*. Now from New Orleans, Morphy reported that the people there were on tiptoe with expectation. They anticipated that the commander at Mobile would again refuse to permit the passage of the convoy and that his refusal would lead to serious consequences. At Pensacola they gave this report no credence, but Collell at Mobile took it more seriously. The same vessel to which he had refused passage was now to be escorted by under his very guns, while Claiborne brought troops from Pascagoula and detachments from Fort Stoddert hovered in the immediate background. If Collell resisted the others would claim that he initiated hostilities. Nevertheless he determined to defend his ruined fort to the last. St. Maxent, who was assuming charge on the eve of Folch's departure, notified Collell that he would not modify his instructions, but advised him to tell the commander of the opposing squadron that he proposed to resist.[17]

An armed schooner and eleven gunboats acted as a

[17] Collell to St. Maxent, June 27, 1811, St. Maxent to Collell, June 28, 1811, St. Maxent to Somerueios, June 28, 1811, Legajo 1570, Papeles de Cuba.

convoy for two vessels loaded with stores. They were prepared to meet any opposition with "firmness and promptitude." In taking this measure Claiborne knew that he was assuming a high responsibility; but he had been given discretionary powers, and, as he wrote Madison, "things might so eventuate" that he would be obliged to proceed farther than he had at first planned. He promised to do nothing rash, but he really seemed determined to bring about an armed collision and to occupy Mobile. The expedition thus represented the third attempt against this place within less than a year. Kemper had threatened it with his filibusters; Sparks and Cushing had invited the Spaniards to abandon it; now Claiborne dared them to close its approaches against the Americans. Under such provocation its commander must employ infinite tact and patience or resort to a fatalistic spirit of obedience.

From Pascagoula, on June 29, 1811, Claiborne advised Folch that his convoy was on the way. He was obliged to send this force because of the recent detention. He informed the Spaniard that the naval commander would not prove aggressive, but was instructed to repel force by force. If Folch wished to avoid hostilities, he should refrain from opposing his passage. The right of the United States to the free navigation of the Mobile was too evident for discussion, and he proposed to maintain it. Claiborne's impatient, not to say dictatorial, tone was almost a chal-

lenge. Evidently he was weary of the never-ending controversy. He wrote Monroe that if the Spaniard opposed the passage of the convoy, he would hasten to Fort Stoddert and there concert further measures with its commander.[18]

Collell declined to act upon Claiborne's threatening missive, but sent it on to the acting governor. Although wishing to preserve the existing condition, he would oppose the passage of the convoyed schooner if the Americans forced him to do so. While awaiting word from the higher authorities, Lieutenant Bainbridge, in command of the convoy, sent six gunboats up the east branch of the Mobile with instructions to drop down to a favorable position above the fort. The Americans then threatened the beleaguered garrison from two directions, while Pascagoula and Fort Stoddert afforded adequate reserves should they be needed.[19]

Folch, who was still at Pensacola, prepared a dignified answer for Claiborne, and one as spirited as the other had written. The United States had invaded Spanish territory with no other right than its own desire. Since the occupation of Louisiana it had deprived Spain of the free navigation of the Mississippi.

[18] Claiborne to Folch, June 29, 1811, Legajo 1570, Papeles de Cuba; the same is in Claiborne to Monroe, June 29, 1811 (Parker, 7748, 7749).

[19] Collell to Claiborne, June 30, 1811, Legajo 1570, Papeles de Cuba; Nashville Clarion and Gazette, Aug. 18, 1811.

Though allowed to convey goods to the Indians only by special permission of the Spaniards, the Americans had claimed the free use of the Alabama and the Tombigbee. Unmindful of solemn treaties and the services that Spain had rendered them in obtaining their independence, they now threatened with force those officials who would not patiently submit to a violation of national rights. But Spanish officials were not to be intimidated. If the naval officer should attempt to proceed before gaining the permission of the captain-general, the commander of the fort might oppose him without thereby being the aggressor. He who offered the insult was the aggressor, not he who repelled it.[20]

Yet Folch was not inclined to begin hostilities. Accordingly, on the following day, he ordered St. Maxent to Pascagoula for a personal conference with Claiborne. He was to propose that the Americans should send Captain Piernas to Havana on one of their swiftest vessels to obtain the decision of the captain-general. Failing to gain Claiborne's consent to this, he was to propose that the vessels with munitions should sail up the Tensaw, beyond cannon shot of the fort; or if past Mobile, they should do so without the convoy. If Claiborne rejected all their proposals, he evidently wished to provoke hostilities and upon him should rest the blame for a rupture. St.

[20] Folch to Claiborne, July 2, 1811, Legajo 1570, Papeles de Cuba.

Maxent should then deliver Folch's challenge to Claiborne and return immediately to inform the commander of Mobile of his answer.[21]

Folch's spirit of concession was seconded by St. Maxent, who immediately sent a messenger to ask Claiborne to suspend action pending his arrival. Claiborne felt that national honor demanded the step he had taken, and he was not ready to retrace it. But he was pleased at the sign of yielding on the part of the Spaniards, and requested the naval officer to postpone the attempt to force a passage. At the personal conference with St. Maxent, Claiborne refused to await the decision of the captain-general or to send the vessels up the Tensaw, but did consent to withhold the convoy if the craft were permitted to pass Mobile unmolested. He did not accept this concession as a favor, but as a right to which all American vessels were entitled.[22]

Lieutenant Bainbridge had already forced a solution of the case under discussion. While Claiborne and St. Maxent were coming to an agreement at Pascagoula, he with four gunboats proceeded to tow one of the schooners past the fort. In view of this direct challenge the distressed Collell called a council of his officers, and showed the futility of resistance and the

[21] Folch to St. Maxent, July 3, 1811, Legajo 1580, Papeles de Cuba.

[22] Claiborne to Monroe, July 5, 9, 1811 (Parker, 7752–7754, 7757.

probable loss of the whole colony, for which he would be personally responsible. He then agreed with Bainbridge to allow the passage of the vessel accompanied by one gunboat only, and this was done before Captain Farragut arrived with the agreement between Claiborne and St. Maxent. To add to the confusion the captain-general shortly forwarded an order from the Regency revoking the privilege of sending vessels with provisions and munitions to Fort Stoddert. This order was based on resentment for the occupation at Baton Rouge rather than on a knowledge of actual conditions at Mobile.

Later a *junta de guerre* at Pensacola agreed to make no change in the conditions that had existed since Folch's concession of the preceding November. The captain-general and the Regency both agreed that this determination was prudent, although to maintain consistency they disapproved of Collell's course.[23] Yet it was evident that their continuance at Mobile depended upon the discretion of its commandant as much as upon American forbearance.

In October the doughty Folch was finally relieved of his trying command. A year later he was in Cadiz almost penniless, attempting to defend himself against

[23] Morales to Secretario Interino del Despacho de Hacienda, Sept. 30, 1811, Legajo 267, Zúñiga to Apodaca, Dec. 14, 1812, Legajo 1793, Collell to St. Maxent, July 6, 1811, Legajos 1570 and 2369, Papeles de Cuba; Nashville Clarion and Gazette, Aug. 18, 1811.

the imputation of treachery to Spanish interests. In February the Regency exculpated him from blame in offering to deliver his province to the Americans, but at the same time they refused to censure Someruelos for not approving this act. Five years later Folch was living in poverty in Havana, still striving to collect the arrears in his salary and to relieve his reputation of the cloud resting upon it.[24] He had fought a good fight for his sovereign, albeit with some guile and self-interest, under frontier conditions of unusual difficulty. At times he had seemed to waver and yield a point, but he had thereby prolonged the rule of his nation if not her true interests. Like many of his fellow-servants, in his declining years he found himself an unappreciated sacrifice to stubborn Spanish pride.

While Claiborne was in the vicinity he took measures to organize the territory as Toulmin had suggested. By proclamation he had already extended the parish of Pascagoula to Dog River near Mobile. The Orleans legislature embarrassed his action by extending it to the Perdido. He now appointed a justice of the peace for the region between that river and the Mobile and contemplated sending one to the town

[24] Statement of Martin Folch, Oct. 4, 1811, Folch to Labrador, Nov. 1, 1812, Carabajal to Depacho de Estado, Feb. 26, 1813, Folch to Pizarro, Apr. 1, 1818, Legajo 5555, Estado, A. H. N., Madrid.

itself. In his instructions he assigned limits running from Dog River to Bayou des Moulins [Saw Mill Creek], and told the justices to exercise no jurisdiction in Mobile, to which the Spaniards had for some time exclusively confined themselves.[25] Rumors that the Spaniards were about to relinquish the territory to the Perdido, or that the Americans were on the point of employing their forces to compel them to do so, continued to arouse apprehensions on both sides of the line. But the American army was too thoroughly demoralized by the courts-martial then in progress to take any offensive action.[26]

When in a dispute over a custom's bond the officials of Washington County decided that Mobile was within the limits of the United States, St. Maxent promptly protested. Claiborne stated emphatically that the region formed part of the Louisiana Purchase and that he had a full right to occupy it. For his part he inquired if there was any truth in the rumor that the Spaniards were fortifying Dauphine Island, which was included in the same claim. The inquiry, portending occupation, aroused the anxiety of Pérez, who now commanded Mobile. The corporal and four soldiers on the island could not resist if the Americans

[25] Claiborne to Monroe, July 24, 1811 (Parker, 7758, 7759).

[26] Morphy to Governor of Pensacola, Dec. 30, 1811, Legajo 2372, Papeles de Cuba; Aurora (Philadelphia), Dec. 20, 22, 1811, Jan. 16, 1812.

acted upon their claim. He referred the letter to St. Maxent for answer.[27]

Backed by a decision of a council of war, the acting governor expressed surprise at the tone assumed by Claiborne. Dauphine Island belonged to Spain by right of conquest since 1780. As St. Maxent made no attempt to interfere in the internal affairs of Louisiana, he did not welcome Claiborne's interference in Florida. The American executive might indeed follow the example of the Tyrant of Europe and take possession of the territory; but so far he had not done so, and he ought, therefore, to take no offense at an act done there in the name of the Spanish sovereign. If, however, Claiborne entertained other views the Spaniard would take the necessary steps to protect His Majesty's dominion. Claiborne expressed equal surprise at the other's protests, reiterated the claim to the Perdido, and stated that his own action would depend on any addition to the forces or fortifications on the island. His government would brook no attempt by the other to strengthen its possession.[28]

In March, 1812, Claiborne again mentioned the

[27] Claiborne to St. Maxent, Oct. 27, 1811, Legajo 1571, Papeles de Cuba; Nashville Clarion and Gazette, Sept. 24, 1811.

[28] Morales to Secretary of Hacienda, Oct. 2, 1811, Legajo 267, St. Maxent to Someruelos, Oct. 25, 1811, Legajo 1570, Papeles de Cuba; cf. Legajos 5554 and 5556, Estado, A. H. N., Madrid, and MS., British Foreign Office, America, II, 5, Vol. 85.

American claim to the Perdido. But he was only an executive, and although always ready to fulfill his duties, forbore to discuss the claim. Evidently neither executive was anxious to test his assertions unless the other committed an overt act. The authorities at Pensacola made the usual appeal to Mexico for assistance, but none was now available. The controversy attracted the attention of the British minister at Washington, and De Onís used it as a second warning to the colonial authorities against the depraved intention of the Americans to gain the Floridas.

In the latter part of December, 1811, while this leisurely, if tart, correspondence was in progress, Morphy warned the authorities at Pensacola that new dangers threatened Mobile. General Wilkinson, released from the court-martial that he had faced for some months, was to resume command of the army at New Orleans. With an adequate land force and gunboats, he proposed to blockade Mobile and compel its surrender, if possible, without bloodshed. Wilkinson proposed, by occupying this place and Pensacola before the British could do so, to strengthen the defense of New Orleans. Some weeks later De Onís was asking Monroe to explain this rumor and others of similar import. General Hampton, he said, had been ordered to raise the American flag at Mobile and Pensacola. The passing of American soldiers eastward by way of the lakes, and the increase in the garrisons at

Baton Rouge and Fort Stoddert, gave point to his inquiries. Moreover the Spaniards expected that the American government would employ "vagabonds" or Indians to initiate its campaign, and then step in as it had done at Baton Rouge.[29]

While Claiborne was wrestling with the problems presented by his new constituents and his persistent but polite Spanish neighbors, his attention was also fixed on Washington, where Congress had perforce to consider the same problems. When that body convened in the fall of 1811, it was asked to consider a petition signed by George Patterson and four hundred and ten others living in the Baton Rouge district. The petitioners, so their opponents claimed, represented the Tory element in the eastern part of that district. But the essential point was that they desired annexation to Mississippi Territory, with which they formed a natural geographical unit. They were fairly recent arrivals, preponderatingly American in stock, and had no desire to be used to counteract the French element in Orleans Territory. Moreover they desired the confirmation of their land grants, most of which were dated subsequent to the cession of Louisiana.[30]

Their petition was in keeping with a resolution pre-

[29] Morphy to Governor of Pensacola, Dec. 30, 1811, Legajo 63, Papeles de Cuba; De Onís to Monroe, Feb. 22, 1812, Spanish Notes, MS., II, Bureau of Indexes and Archives; Wilkinson, Memoirs, I, 470; Aurora, Jan. 14, 16, 1812.

[30] American State Papers, Miscellaneous, II, 155.

sented by Poindexter, on December 17, in favor of statehood for Mississippi. He wished the proposed State to include British West Florida "with its ancient limits." The American claim to this desired area was "reasonable." Evidently he could not use a stronger term, if he proposed to separate West Florida from Louisiana within which the Americans had persistently included it. His suggestion was to create a new commonwealth embracing the territory from the Mississippi to the Chattahoochee, south of the line of the Yazoo, and including the whole of the Gulf coast.[31] This meant a longitudinal rather than a vertical division of the territory south of Tennessee. It likewise meant the virtual relinquishment of the claim that West Florida formed part of the Louisiana Purchase in favor of a British claim long since abandoned. However "reasonable" such a claim might be made to appear, it could hardly justify the risk in assuming it at that late day.

Yet if the administration was unwilling to abandon the claim that West Florida formed part of the Louisiana Purchase, it did not necessarily follow that all of it must belong to the new State of Louisiana. Months before, Toulmin had proposed that the area should be divided between Orleans and Mississippi by the Pearl River. Now Claiborne suggested the same. As an active participant in the race for statehood between

[31] American State Papers, Miscellaneous, II, 163, 164.

the two territories, he wrote Poindexter that he did not sympathize with his efforts to take the whole of West Florida from Louisiana. The best interests of the latter required an extension of its eastern boundary. Personally he preferred all the territory to the Perdido, but was willing to compromise on the area west of the Pearl. Mississippi should content itself with Pascagoula and the growing commerce of Mobile.[32] John Ballinger, who was then in Washington as agent for the former Conventionalists, took essentially the same view. He contended for the treaty limits; but if the government wished to cut the Louisiana Purchase up into convenient "administrative particles," he believed that the Pearl would make a good boundary. This division would also place Patterson and his fellow petitioners in Mississippi, as they preferred.[33]

The petitioners, whom Ballinger personally represented, were interested in statehood and land titles, as were the others, and in addition wished the American government to assume the debts and other claims against the convention. Many of them had accepted its paper or loaned their credit to the embryo government, and after its collapse were threatened with numerous lawsuits. Ballinger represented their cause

[32] Claiborne to Poindexter, Jan. 6, 1812, Claiborne Letters, F, MS., Department of Archives and History, Jackson, Miss.

[33] Ballinger to Monroe, Dec. 26, 1811, Miscellaneous Letters, MS., Vol. 35, Bureau of Indexes and Archives.

until the War of 1812, which necessarily postponed all prospect of payment. Reuben Kemper succeeded him, and pushed their claims as well as the cause of his imprisoned followers for several years, but in vain. Obviously the government could not pay these claims without recognizing the validity of the convention's acts, and this, as Monroe had already explained to Skipwith, was impossible. Those who had brought about the occupation of West Florida by the United States must find their reward in the success of their exploit.

Yet Ballinger was able to present Monroe with a strong argument to justify the acts and expectations of his companions and himself. After 1803 the Spanish officials in West Florida, realizing the uncertainty of their tenure, had used their offices to enrich themselves, betraying alike the interests of sovereign and people. The latter could only look to the American government for relief. The Mobile Act and the diplomatic negotiation abroad encouraged them in this hope. When the government later acquiesced in the continued control by Spain, tolerated the region as a refuge for deserters and fugitives from justice, and applied the embargo to it, they began to lose hope; and when the administration refused to receive a minister from Spain, they abandoned hope altogether. At the same time the increasing exactions of colonial officials forced them to seek redress. At first they

cherished no idea of independence, but compelled by the suspicious attitude of these officials to choose between resistance and unconditional submission, they chose the more honorable alternative and overthrew their oppressors. Those who thus acted were neither land jobbers nor former American Tories, as some papers characterized them. They showed their Republican views in the constitution which they had adopted. While by no means above criticism, it was the best the situation afforded. None of those who acted under it had any purpose to disturb the neighboring American territory.

Ballinger's argument to justify the revolt represents the best interpretation to be put upon that movement and suggests the similar specious pleas of Skipwith. He was more successful in treating the later views of his constituents. He mentioned without criticism the conflict in authority which might follow from the continued presence of Spanish troops at Mobile. The residents of the occupied territory should, as soon as their numbers warranted, be admitted into the Union on the same footing as the people of the original States. They preferred to be attached to Louisiana rather than Mississippi, and resented the oversight of Congress in failing to include them in the recent enabling act. This omission might be remedied by the new State, but in the meantime his fellow-citizens desired some regular form of government.

If necessary, as we have noted, they were willing to accept the Pearl as their eastern limit.

Ballinger divided the land claimants into two classes: the large speculators, who had purchased of Morales since 1803, and those holding smaller tracts (from two hundred to one thousand arpents) under grant from Grand Pré or other local commandants. Two thirds of the people were actual settlers, belonging to the latter class. If their holdings, perfectly legal under Spanish title, were not confirmed, great misery and dissatisfaction would result. No man of ordinary intelligence, least of all himself, doubted the American claim; but even Spanish officials might have been led to doubt whether the United States intended to exercise it. Under the circumstances, after seven years' abandonment it was hardly expedient to insist upon it, and thereby upset all property claims in the region. Even a donation of land to these claimants would be only a partial alleviation.

The unpaid expenses of the convention amounted to some $40,000. This was chiefly owed to persons in Kentucky and Tennessee for horses, provisions, and outfit for the troops. Those to whom these sums were due could ill afford to lose them. The national government was rightly bound to remunerate them, for its act prevented the convention from doing so. If the United States should intervene at St. Augustine, as was possible, and prevent the Spanish governor

there from carrying out his contracts, it would legally be bound to fulfill them. Ballinger claimed that the principle was the same at Baton Rouge, especially for all contracts antedating the president's proclamation. He did not mention the fact that made an essential difference in status: one government was recognized, the other not. In view of the disturbances that had prevailed there for many years, he contended that it would be good policy to pay these debts. In a crisis the people would more than requite the obligation. But if those who had assumed these expenses should be ruined by being forced to meet them, it would "palsy the energies of the country, stifle its patriots and sink it into original nothingness."[34]

Whatever justice or expediency might be contained in Ballinger's plea, the American government could not openly recognize it, and so for years Ballinger and Kemper, backed by interested petitioners, strove in vain to secure the payment of the convention debts. In the matter of land titles they fared better, for ultimately those with any pretense to legality were duly confirmed. The division of the region between Louisiana and Mississippi Territory, the third point for adjustment in the program, presented fewer difficulties, and in this respect Congress was ready to act with

[34] Holmes to Monroe, Sept. 20, 1811, Proceedings Executive Council, Mississippi Territory, MS., I; Ballinger to Monroe, Dec. 26, 1811, Miscellaneous Letters, MS., Vol. 47, Bureau of Indexes and Archives.

fair promptness and in a way to meet Ballinger's expectations.

Congress made no provision in the enabling act for Louisiana to include any part of West Florida in the proposed new State. The constitutional convention that met pursuant to the act made an attempt to include the region to the Perdido within the proposed limits, but it was decisively defeated. The result may indicate an unwillingness to strengthen the Anglo-American element in the new State. Some days later the convention adopted a memorial to Congress asking for the annexation of West Florida to Louisiana.[35] The opposition to this measure seemed to be largely among the Creoles. This memorial attracted the attention of De Onís and Foster. The former professed to believe that Congress would pay no attention to it, but he did not fail to protest against such a possibility. Action under the memorial was not necessary to restore order in the territory and would preclude any future negotiation to acquire it.[36]

Undeterred by his protest, Congress on March 19, 1812, took up the measure to admit the State of Louisiana. Before passing it an attempt was made by amendment to secure representation for the region to

[35] Gayarré, History of Louisiana, IV, 273.

[36] De Onís to Monroe, Mar. 2, 1812, Spanish Notes, MS., III, Bureau of Indexes and Archives; Foster to Wellesley, Mar. 13, 1812, MS., British Foreign Office, America, II, 5, Vol. 85.

the Pearl, which they proposed to annex to it. This was defeated on the ground that it imposed a condition on the State without the consent of its constitutional convention. It is interesting to note that John C. Calhoun was one who held this view. On April 8 the president signed the bill admitting the State. Six days later he signed another enlarging its limits to the Pearl. At the same time the remainder of the territory to the Perdido was bestowed on Mississippi. Early in August the legislature of Louisiana concurred in this action, and gave to the incorporated area a larger representation than even its friends in Congress had proposed.[37]

In the legislation disposing of this territory there was no statement in regard to future negotiation over its status. Foster, the new English minister, immediately wished to know if this indicated an intention to trespass still further upon the rights of the Spanish sovereign in that region. Monroe evaded the issue, but assured Foster that no orders had been given to disturb the Spanish soldiers at Mobile.[38] With war between the United States and Great Britain less than a month away, the British representative had far weightier matters to occupy his attention. In August,

[37] Gayarré, IV, 277–281; Annals of Twelfth Congress, First Session, Part II, 2270, 2298.

[38] Foster to Wellesley, Apr. 4, May 4, 21, 1812, cf. note 36; Foster to Monroe, May 6, 1812, MS., British Legation, MS., VII, Bureau of Indexes and Archives.

1812, De Onís, now single handed, protested against the legislation as a violation of his nation's rights and as contrary to the president's proclamation. He demanded its repeal and the delivery of the territory to Spain as a preliminary to negotiation for its ultimate possession. Notwithstanding his assurance that he was prepared to treat upon all points at issue between the two countries, the administration refused to recognize him or to divest itself of the debatable area.[39]

Following the action by Congress, Governor Holmes on August 1, 1812, formally issued a proclamation organizing the region between the Pearl and the Perdido as a county of Mississippi. On September 17 he empowered the sheriff of Mobile to convene the freeholders on the third Monday in October for the purpose of selecting a representative in the territorial legislature. These measures naturally caused Governor Zúñiga to make reflections little flattering to the Americans. But Spanish comment disturbed the Mississippi executive less than did the uncertainty of the law under which he acted. He felt that he could not provide for the administration of justice in the county without the sanction of the legislature, or designate the place for holding court. He was unwilling to extend his jurisdiction beyond the limits already recognized by Claiborne. This made necessary the moving

[39] De Onís to Monroe, Aug. ?, 1812, Spanish Notes, MS., II, Bureau of Indexes and Archives.

of administrative control from Mobile, at least temporarily. In his uncertainty he turned to his usual aid, Toulmin, and gave him discretion as presiding judge of the superior court to provide subordinate tribunals for criminal cases.[40]

This shifting of responsibility by no means relieved the situation. The judge was perfectly willing to act as if the laws of the United States were already in force at Mobile, and even to serve writs on the Spanish commandant, employing military force if necessary to carry them out. By this measure his son-in-law thought he might gain the coveted town. On the other hand the secretary of the treasury had given orders to consider Mobile as foreign territory as long as the Spaniards remained there.[41] This naturally caused confusion in jurisdiction. The embargo that preceded the war with Great Britain created further difficulties. Prospective immigrants, unwelcome and forbidden as they were, still harassed the Spanish officials by their importunities for admission.

[40] Proceedings Executive Council, Mississippi Territory, MS., II; Zúñiga to Apodaca, Sept. 7, 1812, Legajo 1793, Papeles de Cuba; cf. Case of Sheriff Brightwell and the Callers, May 10, 1813, Miscellaneous Letters, MS., Vol. 40, Bureau of Indexes and Archives; Holmes to Toulmin, Sept. 28, 1812, Proceedings Executive Council, Mississippi Territory, MS., II; Mobile Transcripts, Alabama Department of Archives and History, Montgomery, Ala.

[41] Wilkinson to Hawkins, Sept. 26, 1812, Miscellaneous Letters, MS., Vol. 38, Bureau of Indexes and Archives; Mobile Transcripts.

Among those who accepted a county commission from Holmes was James McBay, who bore the title of "Major" among his neighbors in Mobile. The Spaniards arrested him and confined him in irons at Pensacola. Toulmin issued a writ of *habeas corpus* for his release and went to Mobile to serve it in person. Pérez refused to honor it and claimed that McBay was a spy in American service. Holmes then made a direct protest to Zúñiga. The fact that the United States did not extend its laws immediately over Mobile gave the commandant there no authority over American citizens within the declared limits of Mississippi Territory. The Spaniard's act was probably due to false information, and Toulmin confidently expected McBay's speedy release. Fifteen of the prisoner's fellow-citizens testified to his good character, but Manrique, now in charge at Pensacola, referred the case to the captain-general for decision and kept him in prison for some time longer. McBay's friend, E. Lewis, urged his expenses thus incurred as a claim against the Spanish government.[42]

[42] Holmes to Zúñiga, Apr. 30, 1813, Manrique to Apodaca, May 14, 1813, Legajo 1794, Papeles de Cuba; E. Lewis to ?, Feb. 3, 1818, Miscellaneous Letters, MS., Vol. 61, Bureau of Indexes and Archives.

CHAPTER XVI

Mobile and the Aftermath

The outbreak of the second war with Great Britain, even more than the organization of Mobile County, foretold the speedy end of Spanish rule west of the Perdido, if not further afield. The ports of Mobile, Pensacola, and St. Augustine were likely to prove too tempting for Spain's ally. The diplomatic interest that the British authorities had already manifested in their fate might now serve as a pretext to assist in their defense. By this move Great Britain would secure ports in which to dispose of prizes, refit her blockading fleet, and incite insurrection among the southern blacks and Indians. The administration had anticipated this possibility, and requested Congress to give it the necessary power to occupy the threatened points. The House had complied, but factional disputes in the Senate defeated the program.

On the distant frontier the outbreak occasioned much concern. Claiborne regretted that Wilkinson was not definitely ordered to occupy Mobile and Pensacola. This step was necessary to secure that section of the Union, especially since Zúñiga, the new governor, had, it was reported, recently provisioned these

posts and increased their garrisons by one hundred and fifty colored troops.[1] The Americans determined to control Mobile Bay as a precautionary measure, and raised their flag at Rio Pescado and Dauphine Island. The small Spanish guard on the island were ordered to withdraw or be regarded as prisoners of war. The pilot was forbidden to aid Spanish or British vessels.

The council of war that Zúñiga at once called could offer no relief to the imperilled guard, but the governor advised the officer in charge to remain there quietly, even at the risk of imprisonment. The incident provoked spirited correspondence with Claiborne in the strain already familiar. As his predecessors had done on like occasion, Zúñiga emphasized past aggressions of the Americans, their ingratitude for assistance during the Revolution, and their unwillingness to extend favors on the Mississippi that they demanded for themselves on the Mobile. Knowing of no declaration of war by the United States against Spain, and assuming that Claiborne was continuing his past aggressions, he warned the other to withdraw his troops from Dauphine Island. Otherwise his officers must resist this new insult, even to bloodshed; and, if there was bloodshed, the American, as the aggressor, would experience difficulty in justifying himself.

[1] Claiborne to Monroe, July 26, 1812, Miscellaneous Letters, MS., Vol. 27, Bureau of Indexes and Archives.

Claiborne may not have been directly responsible for the incident that called forth this censorious protest, but he did not hesitate to reply in kind. Refraining from comment on the tone of the Spaniard's letter, although pointedly telling him so, he let the other know that his unmerited, reproachful menaces would "divert no American officer from the course of conduct enjoined by duty." His country claimed that the Louisiana Purchase extended to the Perdido, had occupied all of the claim except a small district around Mobile, and was prepared to defend any part of it against all aggressors.[2] He sent copies of the correspondence to Wilkinson and Holmes, with whom he must concert measures to defend the territory if Zúñiga tried to carry out his threats.

Claiborne doubted if Wilkinson could effectually defend Louisiana without occupying both Mobile and Pensacola. Holmes looked upon the failure of Congress to authorize this as a piece of criminal negligence. Yet Wilkinson was unwilling to move without some such authorization. A council of war in New Orleans resolved that the United States government "would never submit to unmerited reproaches or quietly yield to the unwarrantable pretensions of any power on earth. Should the Spanish governor adhere to the determination which he has dared propose, hos-

[2] Zúñiga to Claiborne, July 12, 1812, Claiborne to Zúñiga, July 24, 1812, ibid.; Minute of Council of War, July 11, July 31, 1812, Legajo 1793, Papeles de Cuba.

tilities must undoubtedly ensue and the points in contest be settled by the sword. The people of the United States will neither rescind a right nor abandon a fellow citizen in any extremity."[3]

These brave words were uttered while a second council of war at Pensacola was pondering over Claiborne's missive. The Americans, Morales thought, were employing every device to make the Spaniards fire the first shot. Such a conflict might start an attempt to conquer the Floridas, but the enemy should, at any rate, find them ready to resist this irruption. But their resources hardly matched their resolves. Sixty regulars and double that number of colored troops constituted the garrison of Pensacola. Ready to defend themselves to the last extremity, they promised to be only a useless sacrifice. Many of the officers had not been paid in two years. The council could only advise the garrison on Dauphine Island to remain there while they awaited the tardy arrival of five hundred more soldiers from Cuba, or strove to rally to their aid some four thousand Indians, largely from the Creeks.[4]

This Indian peril was a continual nightmare to Holmes. He was perfectly willing to cooperate with Wilkinson against Mobile and Pensacola, but he hesi-

[3] Wilkinson, Memoirs, I, 499.

[4] Minute of Council of War, July 31, 1812, Legajo 1793, Morales to Romanillos, Aug. 26, 1812, Legajo 267, Papeles de Cuba.

tated to employ in this way the full complement of militia from the Tombigbee. At Pascagoula and Biloxi the Choctaws aroused apprehension. Claiborne could not keep them from visiting the Spanish posts, but advised them to listen to no bad talk there. If the Spaniards were their true friends, they would also counsel them to keep the peace. The Indians on the Apalache might aid the Americans, in order to keep for themselves the privilege of navigating that river. But the Seminoles were bitterly hostile, and only a lack of artillery kept them from attacking the Americans at Casa Colorada.[5]

American levies were scattered along the coast from New Orleans to Bay St. Louis, and were moving toward Fort Stoddert from Natchez and Baton Rouge. The Spaniards believed Mobile to be the real objective of these forces. In November, 1812, Zuñiga informed Claiborne that he would hold him responsible for any further attempts against the dignity of the Spanish flag. The American retorted that the presence at Pensacola of British vessels with their prizes invited such attempts. The Spaniards offered to give the Americans such privileges as the British enjoyed, but the offer seemed to lack sincerity.[6]

[5] Stiggins to McKee, Aug. 2, 1812, Talk of Claiborne to Choctaws, Aug. 5, 1812, Miscellaneous Letters, MS., Vol. 38, Bureau of Indexes and Archives.

[6] Zúñiga to Apodaca, July 21, Aug. 20, Nov. 17, 1812, same to Claiborne, Nov. 2, 1812, Legajo 1793, Papeles de Cuba; J.

Holmes and Claiborne saw no safety for the exposed frontier unless both Floridas were occupied. Poindexter, who represented their views in Congress, was uncertain what action that body would take. The president seemed unwilling to incur hostilities with Spain while engaged in a war with Great Britain, but if Congress should reconsider and pass the bill for the occupation of East Florida that the Senate rejected at the last session, he would have to execute it. Wilkinson, according to report, was ready to carry out such a measure. F. L. Claiborne wrote that every citizen soldier anxiously awaited the order to drive the British and Spaniards from Mobile and Pensacola. Andrew Jackson assured the secretary of war that his men would permit no constitutional scruples to deter them in such a task.[7]

Some intimation of this danger reached Zúñiga, but at the end of the year his spies could learn of no preparations at Fort Stoddert to warrant his fears. The possibility of an attack from New Orleans, due to the gathering of levies there, led him to withdraw some men from Mobile to Pensacola and strengthen

B. Wilkinson to Hawkins, Sept. 16, 1812, Miscellaneous Letters, MS., Vol. 38, Bureau of Indexes and Archives.

[7] Holmes to Wilkinson, Oct. 29, 1812, Proceedings Executive Council, Mississippi Territory, MS., II; Poindexter to Mead, Oct. 15, 1812, Claiborne Letters, F, MS., F. L. Claiborne to Poindexter, Nov. 26, 1812, Claiborne Letters, F, MS., Department of Archives and History, Jackson, Miss.; Parton, Jackson, II, 372.

the defenses of the latter port. But to garrison his posts, including Mobile and Apalache, he could muster only two hundred and eighty-eight men attached to the Louisiana Regiment. These were almost destitute of supplies. The contractor refused to furnish meat, and he had extreme difficulty in obtaining other provisions. There were only five barrels of wheat flour in the province, and this must be reserved for hospital use. Each soldier was restricted to five ears of maize per day for Indian meal. He expected to be entirely out of provisions by the end of February. Mobile had only enough biscuit and jerked beef to last till the fifteenth of the month. The Americans would not sell provisions on account or in exchange. Despite the firmness of his men, he feared starvation would force them to desperate measures. To this moving appeal Apodaca, now the captain-general, responded with only a thousand pesos in copper coin.[8]

In December, 1812, the Senate adopted a resolution to occupy the Floridas, and on January 10 its committee reported a bill authorizing the president to do so provided the portion east of the Perdido continued to be "the subject of future negotiation." Later the president's enemies rallied and struck out the provision to occupy East Florida. So the act that the president signed on February 12 authorized no move-

[8] Zúñiga to Apodaca, Jan. 30, Feb. 3, 5, 13, 1813, Legajo 1794, Papeles de Cuba.

ment beyond the Perdido. Yet this would insure the immediate occupation of Mobile, a measure, as Poindexter wrote, "of great utility for our territory."[9]

Four days later John Armstrong, the new secretary of war, forwarded the necessary orders to Wilkinson. On March 14 that general began his preparations. Two weeks later the watchful Morphy reported that six or seven hundred men had lately left New Orleans on pretext of establishing a post at the Rigolets, and that Wilkinson and his staff had just embarked at Bayou St. Jean. Evidently a movement of importance was on foot, doubtless the favorite American project,—the occupation of Mobile.[10]

The news that Wilkinson had reached Pass Christian caused a hurried council of war at Pensacola. The impending attack had already been indicated by an embargo on all vessels trafficking with the Spaniards. The lack of men and provisions rendered it inadvisable for the Spaniards to reinforce the fort at Mobile, had its ruined condition not already rendered such action useless. They could only inform Havana of what was about to happen. Wilkinson had eight hundred men at Pass Christian, with fourteen small transports and four gunboats. Ten other gunboats had already started

[9] Poindexter to Mead, Feb. 3, 1813, Claiborne Letters, F, MS., Department of Archives and History, Jackson, Miss.

[10] Adams, History of the United States, VII, 213, 214; Morphy to Captain-General, Mar. 29, 1813, Legajo 1836, Papeles de Cuba.

for Mobile Bay. Four companies were to advance toward Mobile by land. Against these numbers Zúñiga's divided and ill-conditioned forces could make little headway. He determined to leave Mobile to defend itself as best it could, while he prepared Pensacola against an attack that seemed inevitable.[11]

After a delay at Pass Christian, where he narrowly missed an unprofessional death by drowning, Wilkinson moved on toward Mobile. On April 10 Pérez reported his proximity, and added that he himself had provisions for five days only, and that in case he received no further aid, he would either capitulate or evacuate the fort. Giving him discretion to get provisions if he could, Zúñiga bade him abandon his evil intention of surrendering. He should assemble his officers and read them the royal order of April 13, 1811, prescribing the conduct for him to follow.[12] This advice was not very helpful in lieu of more substantial aid. On the very day he sent it the detachment from Dauphine Island, ousted from that place by Wilkinson's orders, presented itself at Pensacola. On the same day Pérez and his fellow-officials determined unanimously to surrender Mobile to the Americans.

Their decision was well advised. Wilkinson had

[11] Minutes of Council of War, Apr. 3, 1813, Zúñiga to Apodaca, Apr. 5, 8, 12, 1813, Legajo 1794, Papeles de Cuba.

[12] Pérez to Zúñiga, Apr. 10, 1813, Zúñiga to Pérez, Apr. 12, 1813, Legajo 1794, Papeles de Cuba.

landed some six hundred soldiers below the town. At the same time Colonel Bowyer brought a force with five pieces of artillery down the Tensaw and stationed it above the town. A company of volunteers from Mobile itself also joined Wilkinson and afterward received high praise from him. Commodore Shaw with his gunboats held the bay. On few occasions in the warlike operations of this disappointing period were the American forces so well arranged for the task before them. On the other hand there were few occasions when the opposing force was so despicable. Pérez had three score starving and dispirited men and three score pieces of artillery, but they were in a fort in such ill repair as to be useless. The whole campaign constituted a dress parade for Wilkinson, but it achieved the delivery of Mobile without bloodshed.

In keeping with the "friendly" purpose back of his demonstration, Wilkinson asked the residents of the town to take no part in the ensuing events. At the same time he informed Pérez that his forces came by order of the president, not as enemies, but to relieve his garrison from occupying a post within the "legitimate limits" of the United States. Pérez expressed formal protest rather than profuse thanks for this relief, but in accordance with the decision of his council of war, proposed to retire beyond the Perdido with his garrison and its public and private property. His action was not to determine the final status of the

territory, which their respective governments must settle. Upon this basis the two commanders signed the formal agreement on April 13. Two days later Pérez evacuated the fort, leaving the artillery in the hands of the Americans. At five o'clock on the afternoon of that day, amid a salvo from batteries and gunboats, the American flag rose over Fort Charlotte.[13] This event marked the virtual decision of a ten years' diplomatic dispute, bloodless but far from amicable.

In New Orleans the occupation of Mobile occasioned great rejoicing. Governor Holmes learned of it with satisfaction, and at once came on to organize the local government. He wrote Monroe that the town was destined to become an important one, in some respects surpassing New Orleans. It was necessary to establish promptly the proper revenue and judicial tribunals in order to break up the smuggling that had been so prevalent since the outbreak of war. The surrender prevented the establishment of a rival county seat at Blakeley on the eastern shore of the bay.[14]

When Zúñiga learned of Wilkinson's presence from the Dauphine Island detachment, he sent Lieutenant

[13] Hamilton, Colonial Mobile (edition 1910), pp. 411–413; Convention between Pérez and Wilkinson, Legajo 2369, Papeles de Cuba.

[14] Holmes to Monroe, Apr. 14, May 5, 1813, Proceedings Executive Council, Mississippi Territory, MS., II; Hamilton, Colonial Mobile, 449.

Bernardo Prieto to demand an explanation. His messenger reached the American commander on the fatal fifteenth, and immediately returned to inform his superior that the blow had fallen. Wilkinson immediately began the construction of Fort Bowyer at the entrance of Mobile Bay, erected an outwork on the Perdido, and attempted to rebuild the bridges that the Spaniards had destroyed. Zúñiga was unable to oppose him, nor could he obtain assistance from a chance British vessel then at Pensacola. Its captain, however, agreed to carry his dispatches to Apodaca.

Misfortune still dogged the footsteps of the unfortunate Pérez. Wilkinson furnished him with provisions and transports for the voyage to Pensacola. Detained by contrary winds, he did not reach Fort Barrancas till April 29, and in the interim his men suffered for lack of food. Although he had made no effort to relieve Pérez, Zúñiga bitterly criticized him for yielding the fort without firing a shot in its defense. Pérez had peremptory orders to bury himself under its ruins rather than surrender it. On a former occasion when confronted by the enemy he had displayed greater firmness. Now he had not even attempted to gather provisions for a siege, and by taking the sea route to Pensacola had given his men a chance to desert. Morphy, who had warned Zúñiga in full time, likewise regarded the incident as highly indecorous to Spanish arms. Manrique, who shortly

succeeded Zúñiga, told the Indians that a faithless officer had sold Mobile to the Americans.[15]

Apodaca directed that the accused officers should be court-martialled. Manrique reported that Pérez had fled to avoid arrest, but he later submitted to the authorities, and in 1815 the interminable process against him, Morejón, and six others began. The mass of testimony fills more than 1250 folios. The court did not render its final decision until November 18, 1822. By that time Pérez was beyond the jurisdiction of any earthly tribunal, after having suffered far beyond his deserts, but his judges did at least clear his reputation. The surviving officers were restored to their rank and service, without any mention of compensation for the seven wasted years. Truly the lot of Pérez, like that of his fellow frontier officials, Folch, Grand Pré, and De Lassus, was a hard one, but his name is to be recorded among those who deserved well of their afflicted nation.[16]

The administration was not a unit on the question of taking possession of Mobile. Gallatin, who had started abroad in an attempt to arrange a treaty with

[15] Pérez to Zúñiga, Apr. 29, 1813, Zúñiga to Apodaca, Apr. 29, May 2, 1813, Legajo 1794, Morphy to Captain-General, Apr. 28, 1813, Legajo 1836, Manrique to Apodaca, June 14, 1813, Legajo 1794, Papeles de Cuba; cf. Hamilton, Colonial Mobile, 419.

[16] Prieto to Apodaca, Nov. 17, 1815, Legajo 1877; Testimonio, Ano de 1813, Criminal, etc., Legajo 1865, Papeles de Cuba.

Great Britain, through the mediation of Russia, feared that the act might prejudice both powers against the United States. The United States could take Mobile at any time. It was an act of war to do so, whatever her claims. Even if European nations should not support the pretensions of Spain, they might take part against her alleged despoiler. Despite Monroe's insistence that the question was settled, Gallatin still maintained that the act was an impolitic one caused by magnified representations from the frontier. If it led to war with Spain, it might disgust every man north of Washington and add to the intensity of existing sectionalism.[17]

When Monroe told Serrurier, the French minister, that Mobile was occupied, he also mentioned a rumor that Spain had ceded the Floridas to Great Britain. If true, this would cause a renewal of the struggle between Great Britain and the United States, even if the anticipated negotiation should have resulted favorably. It would likewise lead the American government to occupy the threatened territory at once.[18] But as the Floridas had now become an affair of little importance to the Frenchman's imperial master, he transmitted Monroe's information without comment.

Some of the American newspapers compared Wil-

[17] Monroe Papers, MS., XIII, 1687, Library of Congress; Adams, History of the United States, VII, 211–213.

[18] Archives des Affaires Étrangères, États Unis, MS., Vol. 70, 242.

kinson to Napoleon because by surprise he had accomplished a bloodless conquest. This comparison led De Onís to express the fear that success would lead the American government to even greater aggressions. He expected no negotiation over the territory that had already been annexed to Louisiana and Mississippi. After hearing from Monroe through Dashkoff, the Russian minister, he urged better fortifications for Pensacola. He could not comprehend such an act as the Americans had just committed in the midst of peace without preliminary complaint. Very likely the officers in charge had exceeded their instructions, and he requested copies of these in order to make a full explanation to the Regency. While that body was to determine how far the event was compatible with national honor, his own obligation led him to protest against this hostile dismemberment of Spanish territory. He hoped, however, that the president would interpret his protest as an attempt to shun any warlike results.[19]

In addition to securing his services as an intermediary, De Onís tried to get Dashkoff to second his protest as Foster had formerly done. In answer to his informal inquiries Monroe told him that the commissioners to treat with Great Britain also carried in-

[19] De Onís to Apodaca, June 3, 1813, Legajo 1837, Papeles de Cuba; De Onís to Monroe, June 4, 1813, Spanish Notes, MS., II, Bureau of Indexes and Archives.

structions in regard to Spain.[20] With this failure in Washington to link Spain's wrongs with the Russian mediation, the Regency turned to London. Fernán Núñez, who succeeded Apodaca when the other went to Cuba, asked Castlereagh to demand, as preliminary to a treaty with the United States, "the recognition of the legitimate government of Spain . . . the evacuation of the Floridas and the restoration of all territory taken from Spain since the invasion of the Peninsula by the French." He asked this not merely as an act of justice, but because British as well as Spanish interests demanded that the United States should not gain an ascendency in the Gulf of Mexico. Castlereagh evasively promised that, in keeping with the spirit of alliance between them, he would uphold the interests of the Spanish sovereign in all negotiations with foreign powers.[21]

When in June, 1813, Apodaca sent Manrique to replace Zúñiga, he instructed him to enroll all the able-bodied men in his jurisdiction in the militia. With these he should strengthen the defenses of Pensacola and try to starve out the American force on the Perdido. In his communications with the Americans he was always to express peaceful intentions, but clearly to place the responsibility for hostilities on those who

[20] De Onís to Labrador, June 14, 1813, Legajo 5554, Estado, A. H. N., Madrid.

[21] Fernán Núñez to Castlereagh, Aug. 23, 1813, Castlereagh to Fernán Núñez, Aug. 23, 1813, MS., British Foreign Office, Spain, 72, Vol. 149.

tried to alter the existing situation.[22] Before Manrique reached Pensacola the dispatch of the Third Regiment northward made it advisable for the Americans to recall the detachment on the Perdido to Mobile. Manrique ordered the abandoned buildings and stockade to be burned. Apodaca approved this, and told him to occupy both banks of the river if possible, and secure its fords against any invader.[23]

Still following Apodaca's instructions, Manrique made a formal but ineffectual protest against the presence of American troops in Mobile. Though couched in pacific terms, the protest gave full evidence of the outraged bitterness that prompted it. The occupation of Mobile could not be regarded as a friendly act. The agreement with Pérez, made under duress, was void. Military officers had no concern in diplomatic affairs. While their countries were at peace the subjects of neither should do anything to break the harmony. Therefore he hoped that the American would not erect fortifications on the Perdido, but would withdraw from Mobile and Baton Rouge, which the Spaniards had long ago legally acquired from Great Britain.[24]

[22] Minute of Instructions to the Commandant of West Florida, June 1, 1813, Legajo 1794, Papeles de Cuba.

[23] Manrique to Apodaca, July 9, 1813, with enclosures, Apodaca to Commandant of Pensacola, Aug. 6, 1813, Legajo 1744, Papeles de Cuba.

[24] Manrique to the Commander of the American troops, June 15, 1813 (Robertson, 5196).

Thomas Flournoy, Wilkinson's successor, did not disdain Manrique's challenge to renew the unending controversy. While the Spaniards had obtained Mobile and Baton Rouge from England, as Manrique claimed, the latter omitted to state that Spain subsequently ceded the region in dispute to France, and France in turn to the United States. That power could take possession of territory, thus legally and fairly acquired, without having its act regarded as hostile or contrary to the law of nations. Rivalling the Spaniard's spirit of harmony, which he hoped no rash or inconsiderate act would break, he in turn protested against the destruction of the stockade on the Perdido. Flournoy hoped that his reply met with Secretary Armstrong's approval. He had acted in accordance with what he thought was the accepted national policy and requested discretionary powers or more explicit instructions upon every point connected with the local public service.[25]

Manrique may have intended his protest to serve as the forerunner of an expedition for the recovery of West Florida. If the captain-general planned such an expedition, as Claiborne suggested he did, his council of war more prudently advised him to postpone it. Later in the year the home authorities, to whom the project was referred, approved Apodaca's measures in

[25] Flournoy to Manrique, June 27, 1813, same to Armstrong, June 27, 1813, Miscellaneous Letters, MS., Vol. 41, Bureau of Indexes and Archives.

general. They urged him to repel aggression and to attempt the reoccupation of posts like Mobile, but dwelt more on the difficulty of carrying on war against the Americans. Yet they empowered the captain-general to develop a naval force, and thus make Spain redoubtable on the Gulf. By this means he could prevent further losses of territory, even if unable to recover any. The Spaniards evidently hoped to profit from contemporary British operations in the vicinity, even if they did not openly countenance them.[26]

The Creek Indians aroused greater alarm than did the Spaniards. In May, 1813, John McKee predicted hostility from them, but thought he might line up the other tribes against them. By the last of July Holmes learned that the war party among them had gained the upper hand. They were capturing the United States mails and resorting to Pensacola, where, according to report, the Spaniards supplied them with arms and provisions. Claiborne thought that the Indians also counted on the aid of the British. Holmes transmitted their reports to Flournoy, who used them as additional subjects for correspondence with Manrique. The Mississippi executive also took steps to prepare his militia and to seek further aid from the States above. Flournoy thought that the Spaniards might be

[26] Claiborne to Madison, July 9, 1813, Miscellaneous Letters, MS., Vol. 41, Bureau of Indexes and Archives; Junta of War, Marine and Treasury, Dec. 9, 1813, Audiencia of Santo Domingo, MS., 146–3–8, A. G. I., Seville.

using the Indians to decoy the American forces northward while they moved against Mobile. To defeat such a stratagem he stationed the Seventh Regiment at Pass Christian and sent F. L. Claiborne with the Mississippi volunteers to Fort Stoddert.[27]

Intimations of complicity with the savages still further aroused Manrique. He was already resentful at Flournoy's protest against burning the blockhouses on the Perdido, and preferred to emphasize that issue rather than the Indian situation. He did not assume direct responsibility for the destruction of the outposts, and he claimed that it could hardly be distorted into an act of hostility. Far otherwise were the American operations against Mobile. The United States had made a claim to the territory—a claim unsupported by French or Spanish evidence, as he demonstrated—and then abandoned it after Monroe's failure in 1805. Years later when war between Spain and France afforded the opportunity, the United States revived its pretensions in order to deprive Spain of her territory. If that country wished to go still further and use the burning of a few tree trunks as a pretext for beginning hostilities, it was welcome to do so, but few would approve that policy. Moreover one would not find at Pensacola an officer or man as weak

[27] McKee to Monroe, May 4, 1813, Flournoy to Secretary of War, July 30, 1813, Claiborne to Monroe, Aug. 1, 1813, Miscellaneous Letters, MS., Vol. 41, Bureau of Indexes and Archives.

as those the Americans had unfortunately discovered at Mobile.[28]

The restlessness of the Creeks, secretly encouraged by the British and Spaniards, and definitely inflamed by Colonel James Caller's ill-advised attack on a party returning from Pensacola, finally burst forth in the massacre at Fort Mimms on August 29, 1813.[29] Possibly the Spaniards interpreted this as the vengeance of Heaven upon the turbulent population of the Tombigbee; but in view of the rage and horror aroused along the entire southern border, Manrique knew that he must at once relieve himself of any imputation of complicity. He denied that he had furnished the Indians with anything but the ordinary regalement, or permitted them, when armed, to enter Pensacola. He did not credit every wild rumor that came to him, as Flournoy seemed to do. As a specific instance he mentioned the report that the insurgent Gutiérrez, who had recently invaded Texas, had been fitted out in Louisiana, with Governor Claiborne assisting. The circumstances suggested so clearly the methods employed to occupy Baton Rouge that he (Manrique) had as much right to complain of it as Flournoy of the regalement of the Indians. As a parting sting he referred to the luster of the Spanish nation, and its

[28] Manrique to Flournoy, Aug. 18, 1813 (Robertson, 5199).
[29] Adams, History of the United States, VII, 227–231.

desire to treat allies and "peaceful neighbors" with justice.[30]

Flournoy evidently felt that the mingled sarcasm and insolence of Manrique's notes—to say nothing of their truthfulness—demanded the direct attention of his superiors. Armstrong evidently expected that Monroe, who had so long been identified with this controversy, would rejoice at another chance to continue it, and sent the notes to him. The Spaniard's scathing review of the old quarrel and its most recent manifestations evidently afforded Monroe little satisfaction. He chose to regard it merely as an expression of the Spaniard's individual views, and directed Flournoy to return the notes to the author in silent contempt. Documents "so replete with insolence and falsehood" must not be retained in the government archives. If the hostile attitude of the Regency should finally force the United States into war, Spain would then learn the difference between the "magnanimous forebearance" of the American people and its just resentment.[31] Evidently Manrique's insolence cut to the quick, for this was the most bitter word that Monroe had written in ten years of irritating correspondence.

In November, 1813, Monroe received another communication concerning the Floridas that caused him

[30] Manrique to Flournoy, Sept. 3, 1813 (Robertson, 5200).

[31] Monroe to Flournoy, Nov. 24, 1813, Domestic Letters, MS., Vol. 16, 92.

additional irritation. John H. Robinson, whom he had sent on a special mission to Mexico, had returned full of enthusiasm for the revolutionists of that country. When the secretary received with coolness his urgings in their behalf, Robinson turned filibuster, and urged the young men of the West to join his standard. He confidently predicted that he would have a force of four thousand followers by April. To arm them he proposed to capture Pensacola and East Florida. With this in view he naively asked Monroe if the United States would *"by capitulation"* permit his force to carry its munitions through American territory to the western frontier. If they were able to come to an understanding upon this point, he believed they could make Cuba independent. In that case he generously offered his services to bring it into the American Union.[32]

The shocked Monroe, just free from an unpleasant experience with another agent, Matthews, indignantly rejected this sanguine offer. Moreover he lectured Robinson roundly on his course, for his irregularities compromised the department that had so recently employed him.[33] He also took pains to warn the western governors to keep their eye on him. From New Or-

[32] Robinson to Monroe, Nov. 5, 1813, Papers Relative to the Revolted Spanish Provinces, MS., No. 22, Bureau of Rolls and Library.

[33] Monroe to Robinson, June 25, 1813, Domestic Letters, MS., Vol. 16, 92.

leans came the report that General Humbert, a former French officer, posing as a Mexican insurgent, also planned to attack Pensacola.[34] The plans of Humbert, Robinson, and others belong to the age of the filibuster, which was just dawning. Their careers furnished the Spaniards with an additional catalogue of grievances. Generally operating against Mexico or the Spanish main, they often fancied that Pensacola, St. Augustine, or Amelia Island offered a tempting immediate prize. Their efforts naturally increased the suspicion with which the Spaniards regarded all Americans.

The Spaniards for their part could only observe the movements of the American troops more closely and insist more rigidly on passports. Late in 1813 the home authorities instructed the captain-general not to encourage American hostility or destroy the property of their opponents, but to check further aggression and employ all legitimate means to recover Mobile and Baton Rouge. Early in the following year they suspected that the Americans were about to convert a secret war into an open one, hence the local authorities should take pains to combat the insidious practices of their "inquiet neighbors." They should increase their naval strength, put their frontiers in a good state of defense, enlist the Indians, initiate all

[34] Soto to Apodaca, Dec. 31, 1813, Legajo 1794, Papeles de Cuba.

measures for pursuing vigorous warfare within the United States, and expel Americans from Spanish territory, thus causing that government to feel the evils that other parts of the new world were then experiencing. On taking account of stock Apodaca discovered that his resources were inadequate for any such warlike policy. He could only mention the burning of the abandoned American stockade on the Perdido and the attempt to maintain patrols there as an incident in keeping with the above recommendation.[35]

With the overthrow of Napoleon in Europe, the allies, Spain and England, expected the United States to suffer for its Machiavellian policy of the past ten years. De Onís wrote that the "Republicans" feared the loss not merely of that part of the Floridas that they had recently occupied, but also of Louisiana. The sale of the latter was void because Napoleon had never carried out his contract with Spain. That power ought to repossess all this territory and thereby break up insurrectionary movements against Mexico, movements which found a natural focus at New Orleans. He outlined a plan for the conquest of this province and its separation from the Union, which had been suggested by a Louisiana planter of military pretensions. The proposed plan, whoever its author, was too difficult for even a Spanish minister to encourage.[36]

[35] Apodaca to Luyandro, May 18, 1814, Audiencia of Santo Domingo, MS., 146–3–8, A. G. I., Seville.

[36] De Onís to Luyandro, June 8, 1814, ibid. Possibly the "Louisiana Planter" was Wilkinson.

Diplomacy elsewhere might prove more effective than domestic revolt. In July, 1814, Fernán Núñez called Castlereagh's attention to his proposals of the year before. There was every prospect of peace between Great Britain and the United States. Before it was established he wished Spain and her ally to form some common agreement. The British government knew that the United States had not preserved neutrality toward the revolted Spanish colonists and that it had occupied Mobile and continued to do so, despite British and Russian remonstrances. His own government, now at the end of its patience, wished by concerted measures with Great Britain to make the United States pursue a more regular policy. This course would secure the reciprocal rights and possessions of both allied powers.

Castlereagh brought the substance of this note to the attention of the prince regent, who was gratified to know that Spain appreciated previous British efforts in her behalf. The minister also directed a continuance of British efforts to make the United States realize its duty and repair the wrongs done Spain. Nothing would please his government more than to see a negotiation between them carried to a successful conclusion. If he were thus non-committal on the eve of negotiations at Ghent, he became convinced in the course of the long-drawn disputes there that the attempt to turn a twofold parley into a triple one would

tend to "remove the period of our pacification," and in that measure sacrifice the real interests of Spain. He was interested in bringing about the peaceful union of all parts of the Spanish monarchy, but he could work effectually to that end only after resuming diplomatic relations with the United States.[37]

If domestic treason or foreign diplomacy were ineffectual to shake the American hold on recently occupied territory, Nicholls's bombastic proclamations and Packenham's veterans were equally so. Nicholls demonstrated the annoyance, if not peril, involved in Spanish jurisdiction at Pensacola and St. Augustine. But his appeals to western sectionalism, which were never feasible except in the imaginations of a few hopeful Spaniards or mercenary Americans, fell on deaf ears. Kentuckians and the people of Louisiana alike rallied to Jackson's support, and his "crowning mercy" at New Orleans justified their faith in the permanency of American control on the Mississippi.[38]

This control was to be equally permanent in West Florida and likely to be further extended. Nicholls's course around Mobile and Pensacola had aroused some apprehension of a joint occupation of that region by the British and Spaniards from which the former would derive the lion's share of profit. Accordingly

[37] Fernán Núñez to Castlereagh, July 6, 1814, (Castlereagh?) Draft to Fernán Núñez, Sept. 30, 1814, MS., British Foreign Office, Spain, 72, Vol. 165.

[38] Gayarré, History of Louisiana, IV, 333–347, passim.

Monroe instructed Jackson to expel the British, even after the ratification of peace, if he found them west of the Perdido. This region formed part of the United States and was to be defended as such. Nicholls had also supplied the Indians with arms, so it was reported, and had encouraged them to demand the return of the recent cessions that Jackson had forced from them. Monroe was glad to note that the population flocking into this ceded territory not only secured that area, but was also slowly drawing the residue of the Floridas from Spain.[39]

The prospect of peace suggested a recurrence to earlier diplomatic wrangling. In 1814 George W. Erving was made minister to Spain, but he vainly waited at Paris for necessary passports. The failure of the Spanish government to supply them was variously attributed to "the cloven foot of the British government," to the desire of Anthony Morris to supplant him, or to the hostile intentions of the Spanish government should the British occupy New Orleans. Morris, who was acting as American chargé at Madrid, claimed that with ten thousand dollars for douceurs he could initiate the purchase of the Floridas. Both he and Richard McCall, the consul at Barcelona, reported that the clergy and court favorites, including

[39] Monroe to Jackson, Mar. 13, 1815, Jackson Papers, MS., Library of Congress; same to same, May 9, 1815, Miscellaneous Letters, MS., Vol. 47, Bureau of Indexes and Archives; Hamilton, Monroe, V, 341.

Cevallos, bitterly detested the United States, and Spanish weakness alone kept them from declaring war upon it.[40] Late in November, 1814, this feeling found definite expression in a memoir presented to Ferdinand VII, newly returned from exile.[41]

According to McCall, the author of this memoir was one Bruno Vallerino, a member of the Council of the Indies. He mentioned the failure of Spain, following the independence of the United States, to secure the region west of the Alleghanies. This advance might have enabled her to avoid boundary controversies with her neighbors, or to develop her frontier areas so as to arouse their respect. On the contrary, the Prince of the Peace in the Treaty of San Lorenzo was forced to recognize American sovereignty to the Mississippi and the thirty-first parallel. Therefore, Spain should have redoubled her efforts to develop her remaining holdings. Instead, her towns declined, while American adventurers, with uncanny foresight, occupied the best lands in the Floridas. It was then that France acquired Louisiana by the Treaty of San Ildefonso. Of this the author states: "There is in

[40] Fuller, The Purchase of the Floridas, 217, 218; A. Morris to Monroe, Nov. 22, Dec. 23, 30, 1814, Spanish Dispatches, MS., XII, Bureau of Indexes and Archives; McCall to Dallas, Mar. 3, 1816, Letters in Relation to Burr's Conspiracy, MS., Bureau of Rolls and Library.

[41] Translation of a Memoir which appears to have been intended for the King of Spain, dated Madrid, Dec. 23, 1814, ibid.

diplomacy no instance of a stipulation more strangely enigmatical than the article of the Treaty in which the compact is made for the retrocession of Louisiana to France." He believed that Napoleon inserted it for the purpose of backing up, in good time, his pretensions to portions of Mexico,—pretensions that were based on La Salle's expedition and the grant of Crozat. He also thought that the French government secretly intended to possess West Florida on the ground that all the territory to the Perdido formerly belonged to France. The author could not explain why the Spanish minister permitted such an uncertain stipulation in the treaty, but he did. In due time the territory thus defined passed to the United States, and that power immediately made excellent use of the enigmatical article "to forward its projects of aggrandizement." Nevertheless, during the special mission of Monroe and Pinckney, the Spanish government was able to present such solid arguments against their claims that the American government never dared print them.

Notwithstanding this diplomatic success, he said, Spain was unable to colonize the threatened territory. On the other hand colonists from the United States enabled the United States to seize West Florida; but East Florida and Texas still remained to Spain. Now that the United States was engaged in a disastrous war, Spain might utilize the British alliance to force due respect for her rights. He then suggested a series

of questions that brought up the validity of Napoleon's sale of Louisiana, the possibility of securing it in exchange for the Floridas, the advisability of controlling the Gulf by retaining Pensacola and other ports in West Florida, and the probable British attitude upon this question. It would be difficult to restrain the Americans unless they set some definite limit to their ambition. Spain had yielded such strong barriers as the mountains and the Mississippi, and must now bestir herself if she wished to hold her remaining provinces.

Meanwhile all was not harmonious among those whom the Spaniards chose to regard as their despoilers. Squatters were being driven off from the land recently acquired from Spain and from the Indians. Even Judge Toulmin felt that these irregular settlers were of some service in protecting the frontier. Some of the settlers beyond the Pearl complained because they were not included in Louisiana, where they rightfully belonged, but were attached to Mississippi, "of all governments the most miserable and contemptible." Its tax laws were confiscatory, and its local officials despicable. Among them Sterling Duprée paraded as a recent appointee of Holmes, and Lewis wrote that the people would prefer the Dey of Algiers to leaders of his sort. Land titles were still uncertain and new settlers were usurping the claims of older ones. If American rule meant the confiscation of

their lands and subjection to a gang of villains, the older settlers would seek refuge among the Spaniards.

Lewis also complained that Judge Toulmin retarded a case that he had before his court because he did not wish Lewis to improve certain lands that might come into competition with his own. This charge was regarded as so slanderous that even the Mississippi legislature refused to consider it. A more damning charge, in Lewis's estimation, was the fact that the judge held court in Mobile on Sunday. This made him "a fit candidate for hell itself," and he asked Monroe to call the president's attention to the outrage.[42] A charge of more serious import was to the effect that Toulmin and John Smith conspired with Francisco de Hevia, the recent Spanish commandant at Pascagoula, to lay claim to several thousand acres of land on the Pearl, the Pascagoula, and the Mobile. The claim was duly entered, but William Crawford, the commissioner for the district east of the Pearl River, refused to allow it.[43] The transaction is not at all in keeping with Toulmin's previous reputation, but it does not seem to have injured him in the estimation of his superiors.

It is more pleasing to note that along with his judgeship, Toulmin still maintained his firmness against filibusters. In December, 1817, Masot, then

[42] E. Lewis to Monroe, July 22, 1816, Miscellaneous Letters, MS., Vol. 51, Bureau of Indexes and Archives.

[43] American State Papers, Public Lands, III, 20–29.

in command at Pensacola, wrote him that the men on the Tensaw were planning an attack on that town. As the governor of the new Territory of Alabama had not yet arrived, Toulmin with his old vigor took upon himself the double task of reassuring the Spaniard and investigating the rumor. He found that preparations for such an undertaking undoubtedly were on foot and that the local authorities were unable to check them. The land force expected to be joined by some vessels at the mouth of the Perdido. Evidently it was one of those semi-piratical raids that were then common in the Gulf. By threatening judicial process against one man, Toulmin hoped to break it up and to convince De Onís that the American authorities were not wholly prone to such irregularities.[44]

The admission of Mississippi into the Union in 1817 and the development of Alabama to statehood two years later definitely determined the national status of the region to the Perdido. The question of land titles in the disputed area was not so readily settled. Among the claimants appeared prominent Conventionalists, loyal Spanish supporters, both naturalized and native, and steadfast adherents of the American government,—a fact that illustrates the universal prevalence of land hunger. The presence of French, English, and Spanish claimants, mingled with those whose

[44] Toulmin to J. Q. Adams, Dec. 10, 1817, Miscellaneous Letters, MS., Vol. 59, Bureau of Indexes and Archives.

only right was that of occupancy, complicated the situation. In accordance with its earlier Louisiana legislation, Congress at first refused to recognize the validity of any Spanish grants subsequent to the Treaty of San Ildefonso, October 1, 1800. But it discovered that this attempt to be consistent with its claim to West Florida would result in substantial injustice to many bona-fide settlers in the region. American acquiescence in Spanish occupation had led many of this class to confide in the legitimacy of Spanish grants.

On the other hand, if the American government should recognize these grants, especially those subsequent to December 20, 1803, it would favor a few land monopolists, whose connection with Morales gave them unusual privileges. The course of that official, supported by orders from his government, created the impression that the Spaniards recognized that their claim to the region was precarious, even if proper. This idea had provoked their determination to wring the utmost profit from it before they were forced to relinquish it. American acquiescence and Spanish cupidity had thus combined to dupe the innocent purchaser of small holdings, if not the grasping speculator.[45]

Many claimants of the former type residing on the Mobile now bitterly criticised the national govern-

[45] American State Papers, Public Lands, III, 35–62, 220–222.

ment for its former equivocal attitude. It should never have acquiesced for ten years in Spanish occupation even to the extent of paying customs duties at Mobile unless it intended to recognize the validity of Spanish grants. The legislature of Louisiana seconded this criticism, although those who came from the Florida parishes resented the insinuation it conveyed. The policy of the American government, this group contended, displayed its moderation toward Spain and its determination to suppress the land monopoly fostered by Morales. Congress, as usual, settled the difficulty by a compromise. That body, in the act of March 3, 1819, recognized holdings that were actually occupied and improved, according to Spanish regulations, after the Treaty of San Ildefonso. The amount of land in each holding was limited to a section, but this fact did not interfere with those titles that originated during British occupation and were ratified by the Spanish after 1783. No holdings were to be recognized under this act, unless they were occupied before April 15, 1813, the date of the surrender of Mobile.[46]

In this way Congress showed that it was not unmindful of those who had assisted in bringing under the American flag the region to the Pascagoula and beyond. Yet it steadfastly refused to recognize the validity of their action. Incidentally it included in its

[46] American State Papers, Public Lands, III, 346–348, 367.

largess the more quiescent population of Mobile and some loyal Spaniards. Skipwith temporarily served as receiver for the land office west of the Pearl. There, despite legislation and recommendation, confusion in land titles prevailed for more than a dozen years after its acquisition.[47] As a result the settlement of the region was greatly retarded and the problem of defending an important frontier still further complicated.

[47] American State Papers, Public Lands, III, 411–421, 446–449, 550–554.

CHAPTER XVII

The Conclusion of the Controversy

The reception of De Onís as fully accredited envoy, in December, 1815, marked a renewal of the diplomatic dispute of ten years before. Monroe as secretary of state defended the claim to the Perdido with the same vehemence that he had formerly displayed at Aranjuez. De Onís demanded the delivery of the contested region to Spain before that power would consent to treat on the now more important western boundary, and discussed the meaning of "retrocede" with the customary Spanish fulness and fervor. This demand led the House, at the instigation of Robertson of Louisiana, to ask the president for the correspondence. When printed, this elicited from Niles the comment: "The pretensions of Spain are as preposterous as the manner in which they are urged is contemptible."[1]

The demand gave force to the current presumption that England was backing Spain. The French chargé repeated it, although his superiors supported the Spaniard's contention. From Europe Erving interpreted

[1] American State Papers, Foreign Relations, IV, 425 ff.; Annals of Fourteenth Congress, First Session, 745; Niles' Register, IV, 405.

the Spanish argument as "the froth and scum of Cevallos' murky brain," but feared it might result in another special mission to deprive him of prospective diplomatic honors.[2] At the suggestion of De Onís, however, he was empowered to take up the unending negotiation. He found Cevallos a feeble servant in a crumbling house, but still able to manifest his resentment at the American occupation of West Florida. Erving discussed this only to point out the moderation of his country in not occupying East Florida as well. In a few months the corrupt and doting Spaniard, whose chief asset was his detestation of Americans, was forced out of the office that, according to Erving, he encumbered rather than adorned. Before he left he took measures to transfer the negotiation to Washington.[3]

As Great Britain had but recently used the Floridas as a military base, it was only natural for the American press to charge her with diplomatic machinations in the same region. It seemed probable that that power would claim Cuba for aiding the mother-country against Napoleon and the Floridas for assisting to subdue the rest of her colonies. General T. J. Jesup, in command of the Gulf Coast, also reported Spanish agents in New Orleans, evidently to advance

[2] Roth to Richlieu, Jan. 30, 1816, Instructions to Roth, Jan. 29, 1816, Archives des Affaires Étrangères, États Unis, MS., Vol. 72, 273, 300; Erving to Monroe, Feb. 23, 1816, Lenox MSS.

[3] Erving to Monroe, passim, 1816, Lenox MSS.

some such cooperation. In retaliation he proposed a counter-attack on Havana, for which a force of three thousand men with a naval contingent would suffice. If England once obtained Cuba, she would dominate the western hemisphere and threaten the safety of New Orleans. Madison, however, refused to be alarmed over the rumors or to approve Jesup's quixotic suggestions.[4] He passed out of office, as did his predecessor, with the West Florida question unsettled.

The change from Napoleon to the Bourbons did not necessarily mean a change in the French attitude toward West Florida. Fernán Núñez, now ambassador at Paris, requested the Duc de Richelieu to order a summary upon that "luxury of words," the third article in the Treaty of San Ildefonso. He thought that its rich verbiage might be due to an artifice of the previous French government which permitted the Americans to make their pretentious but invalid claim. Evidently the American government was determined to reiterate this until it should force France to its interpretation. Taking advantage of Spain's necessities, it was legislating for the territory as if already its legal possessor, and thus postponing settlement.

The French government then preferred to withhold its opinion on the article, but advised the two coun-

[4] Jesup to Monroe, Sept. 3, 1816, Miscellaneous Letters, MS., Vol. 52, Bureau of Indexes and Archives; Madison to Monroe, Sept. 22, 1816, Lenox MSS.

tries to determine by discussion the respective right of each and then arrive at some definite settlement.[5] Perhaps Pizarro, successor of Cevallos, had this opinion before him when in the summer of 1817 he suggested the surrender of West Florida before attempting to make a formal treaty. He then repeated an offer that De Onís had already made Monroe: to exchange all Spanish territory east of the Mississippi for all American territory to the westward. The time for such a proposition, if it ever existed, had long since passed away. Erving immediately rejected it and likewise the proposal to submit all existing disputes to arbitration. This meant that the fertile-minded de Onís must undertake the proposed discussion.[6]

During this period Monroe's correspondents were not backward in offering suggestions. In 1814 H. M. Brackenridge reviewed the American interpretation of the wearisome third article. He claimed that Spain and France had jointly ceded the territory east of the Mississippi in 1762. This fact bound Spain, when she secured this territory in 1783, to restore it, as far as possible, to the original French status. To do so she must extend Louisiana to the Perdido. The United States had a perfect right to insist that its purchase included the land to that stream. An anony-

[5] Archives des Affaires Étrangères, États Unis, Supplement, MS., Vol. 8, 275–296.

[6] American State Papers, Foreign Relations, IV, 445, 446.

mous correspondent in the summer of 1817 sent Monroe a pamphlet, which he claimed completely overthrew Brackenridge's labored defence. The uncertain third article was simply a Napoleonic scheme for further quarrels. After he sold the territory to the United States, he could use it as best suited his purpose, and had done so. This correspondent advised Monroe to obtain the disputed territory in return for our claims against Spain.

Benjamin Vaughan, another correspondent, sent Monroe a geographical excerpt from Malte Brun that favored the American claim. Louisiana in 1800 and 1803 included territory on both sides of the Mississippi "and the ancient and natural dependencies of New Orleans." Vaughan suggested that mere legal ownership of the Floridas amounted to little; American citizens were rapidly occupying the whole region. If Spain should give the United States a quit claim to West Florida, or to so much of it as was necessary to control the important rivers flowing from American territory, and then bestow the remainder on Great Britain, all three powers might be satisfied. Great Britain would feel secure in her West Indian possessions; Spain would have a friendly neighbor in the Florida peninsula; and the United States would control absolutely the commerce of the Mississippi and the near-by streams. Vaughan confessed that he knew

no more of the political situation than of Kamchatka, but thought the question should be settled soon.[7]

One of J. Q. Adams's correspondents also thought it was high time to settle this question, but did not believe that the British government was in a financial position to purchase the Floridas. There was now no Napoleon to hold them "in reserve as a nestling place whence he [might] serpentize into the Paradise of Talleyrand." America's respect for Spain's misfortunes had not received due credit in Europe, and he now wished an ending to the controversy that would show the sincerity of its government.[8]

In his first annual message the patient Monroe could only report that our negotiations with Spain were still fruitless. Conditions did not promise to improve during the first few months of negotiation between Adams and De Onís. The Spaniard displayed a fondness for wordy discussion that finally tempted the whilom professor of oratory to respond. It is needless to say that the verbal and historical discussion accomplished nothing. De Onís was unconvinced by Adams's defense of the American claim to the Perdido, but Jefferson congratulated its author on pro-

[7] Brackenridge, Views of Louisiana, p. 24 ff., cf. p. 94; Adams to Monroe, Aug. 28, 1817, Benjamin Vaughan to Monroe, Apr. 17, 1817, Lenox MSS.

[8] George Joy to J. Q. Adams, Nov. 4, 1817, General Correspondence of J. Q. Adams, MS., Massachusetts Historical Society.

ducing one of the best state papers he had ever seen. From Philadelphia, Joseph Hopkinson offered to send Adams a copy of Moll's map to bolster up his argument, and Alexander H. Everett wrote that his correspondence with the Spanish minister attracted favorable attention in Boston.[9]

The failure to come to a diplomatic settlement betokened possible war. The British minister offered his mediation, but the American cabinet declined it. Yet England refused to aid Spain in her difficulty. That power hoped for aid from the reactionary forces in Europe. France coveted the Floridas for herself or wished Russia to get them, but gradually schooled herself to having the United States possess them. Spain was evidently in a critical condition, being unable to defend the territory herself or to gain help from her European friends. Yet when Adams, upon Monroe's insistence, asked De Onís what his government would take for East Florida, which he affected to believe was all that Spain possessed east of the Mississippi, the Spanish minister simply repeated the offer that Pizarro made Erving the year before.[10]

From Baltimore, Adams received a suggestion to pay Spain a million dollars for her territory east of

[9] American State Papers, Foreign Relations, IV, 452 ff.; Ford, Jefferson, X, 122; General Correspondence of J. Q. Adams, MS., Massachusetts Historical Society.

[10] Adams, Memoirs, IV, 37, 50, 51; Archives des Affaires Étrangères, Espagne, MS., Vol. 701, 156, 201, 202. See p. 648.

the Mississippi. This was more than it was worth to her or to the United States except for its strategic position and the necessity for controlling the Indians.[11] The Spanish government evidently felt that it was playing a losing game, for it began to dispose of the remaining vacant lands there. In June, 1818, de Onís spoke hopefully of an early diplomatic adjustment with the United States. From Madrid, Erving reported that Pizarro was inclined to yield to American pressure, but the other members of the Spanish cabinet restrained him. As a tangible manifestation of his compliance, however, he resurrected Pinckney's note of February 7, 1803, offering to guarantee Spain's possessions west of the Mississippi in part payment for her territory to the eastward. But how Pizarro meant to use this resurrected offer never became evident. When he learned of Jackson's unauthorized invasion of Florida, he abruptly closed his parley with Erving. Soon after he yielded office to Casa Yrujo.[12]

Diplomat and military expert had alike anticipated such a crisis as Jackson now caused. At last the frontiersmen had found their ideal leader. He unquestionably pointed out the only solution to this interminable controversy. At first the timorous Monroe and most of his advisers were inclined to censure the rash com-

[11] George Hebb to Adams, Apr. 25, 1818, Miscellaneous Letters, MS., Vol. 62, Bureau of Indexes and Archives.

[12] Biddle to Monroe, June 18, 1818, Lenox MSS.; House Document 277, Twenty-eighth Congress, First Session, p. 30.

mander and propitiate the incensed Spaniards. But the resolute Adams seized upon the incident to demonstrate the folly of Spanish persistence. Jackson's action, if not Adams's arguments, coupled with ministerial changes in Spain, finally triumphed over procrastination and pride. The king empowered Casa Yrujo to part with the Floridas and to settle the boundary of Texas. This cession was now subordinated to the latter, but there was still abundant opportunity for tact and concession in phrasing the articles dealing with the territory east of the Mississippi. The Spanish colonies were also measurably involved, as they had been during the past ten years, for Spain wished to prevent the United States from recognizing their independence as soon as the treaty should be ratified.[13]

In the ensuing discussions the French minister, Hyde de Neuville, proved a most efficient intermediary. Adams was firm, not to say stubborn; De Onís, proud-spirited and intriguing. The American often had to vent upon the others the ire aroused in unsympathetic cabinet meetings. The French minister was inclined to favor him, after Texas was eliminated, except in regard to West Florida. In this he followed the French interpretation of the past fifteen years. In January, 1819, a series of articles in the Washington City Gazette gave him and De Onís some comfort.

[13] Adams, Memoirs, IV, 168, 200, 208.

The author, supposed to be Armstrong, gave what purported to be a secret history of the negotiations with Spain that was far from complimentary to Monroe. This attempt to defeat the negotiation caused others, including Clay, to regret the relinquishment of Texas.[14]

When the diplomats reached the stage of projêts, Adams discovered that De Onís had described the Floridas as they were ceded to Spain by Great Britain in 1783, and with the limits assigned by the Treaty of 1795. Such a definition would comprise the disputed territory already in American possession and involve the total surrender of the American contention. Instead Adams suggested that the article should read: "His Catholic Majesty cedes to the United States . . . all the territories which belong to him, situated eastward of the Mississippi, known by the names of East and West Florida." In this form De Neuville believed it would cover the honor of both countries and divest the transaction of all "mutual reservation, disguise or recrimination." The phrase "which belongs to him" sustained the American contention, for one could apply it merely to that part of British and Spanish West Florida between the Perdido and the Appalachicola. The Americans had never claimed this as part of Louisiana. On the other hand Spanish susceptibility might be appeased by the assumption that "East and West Florida" included all

[14] Adams, Memoirs, IV, 218–221, 237.

the territory south of the thirty-first parallel and east of the Mississippi and the Iberville.[15]

With the arrangement of this non-committal article the controversy of fifteen years was allowed to rest. Neither nation could claim a victory in the treaty, but each had preserved its honor. The United States already occupied the disputed territory; the legal title was a mere shadow that need not trouble it longer. As the Intelligencer stated, this stipulation "acknowledges the United States to be sovereign, under the hitherto contested Louisiana Treaty, over all the territory we seriously contended for."[16] Spain had simply yielded to the inevitable, but De Onís could felicitate himself on retaining Texas. Hyde de Neuville's part in bringing about this settlement measurably atoned for the earlier diplomatic jobbery of Napoleon and his agents.

In the two years' struggle over the ratification of the treaty West Florida was not specifically involved. Late in 1819, by the act for the admission of Alabama, the remaining portion to the Perdido became an integral part of the American Union. For a time it seemed that Great Britain might attempt to seize Cuba as a counterpoise to the rest of the Floridas and thus separate the twin objects of Jefferson's diplomacy.[17]

[15] American State Papers, Foreign Relations, IV, 619–623; Adams, Memoirs, IV, 249; Florida Treaty and Correspondence, MS., 48, Bureau of Rolls and Library.

[16] National Intelligencer, Feb. 24, 1819.

[17] Niles' Register, XVII, 305, 353, XVIII, 46, 47.

The American government avoided this danger by refraining from seizing the peninsula by force. Finally Spain, deserted by the other powers and torn by revolution, resumed for a time a constitutional form of government. In October, 1820, the short-lived Cortes consented to ratify the treaty, and on the twenty-second of the following February, the American Senate again accepted it with only four dissenting votes.[18] The long-drawn dispute was diplomatically settled.

This settlement, however, in no wise determined the rightfulness of the American contention. Late in the following decade a case involving a land grant in Feliciana gave Chief-Justice Marshall a chance to express his opinion upon this point, had he chosen to avail himself of it. Something of the animosity displayed toward Jefferson in Marbury v. Madison or at the Burr trial might have led him to undo the argument upon which the third president and his advisers had based their specious claims. But a decision of this sort would have run counter to the national policy of a quarter century. In the region involved it would favor the land speculator at the expense of the actual settler. Marshall, therefore, rendered a decision in keeping with national interpretation, but he threw upon the earlier Republican administrations the responsibility for a condition that left the court no other alternative.

[18] Adams, Memoirs, V, 288.

According to Marshall's *dictum* in Foster v. Neilson, France made no declaration on the limits of Louisiana until after she had sold it to the United States. Vital political considerations then prevented the latter from accepting her declaration. We have already noted at length what these "vital considerations" were. In a controversy over boundaries, the chief-justice continued, the courts of each country must be guided by the measures of their own government. The judiciary cannot decide international questions; its function is to decide individual rights. If the course of the United States was a plain one, the court would hesitate to pronounce it erroneous. Whatever the opinion of the individual judge may be, it is his duty to conform his decision to the will of the legislature clearly expressed. A treaty in the United States is equivalent to an act of legislation, and is thus part of the law of the land. The Louisiana court had dismissed the case on the ground that Spain had no right to grant land in West Florida, on January 2, 1804. Marshall ruled that in so doing the court had committed no error.[19]

In the case of Newcombe v. Skipwith the superior court of the Territory of Orleans under Judge Martin had already decided that West Florida formed part of the Louisiana Purchase.[20] Evidently the courts,

[19] 2 Peters, 253–317, January term of 1829.

[20] Martin, Louisiana Reports, p. 151.

both local and national, were unwilling to override the action of executive and Congress. That body was less careful to remain consistent. In the Nineteenth Congress the House of Representatives favored a claim of De Lassus for the money that the convention seized, but the Senate refused to concur. In 1849 the government finally paid the heirs of a certain De la Francia for the arms that he had furnished Kemper, but only because Jackson had later used them in the defense of New Orleans.[21]

With these partial exceptions the government consistently maintained its attitude upon this mooted question. More than thirty years after the above incident, certain citizens of Louisiana resident in the Florida parishes, now by subdivision numbering eight, attempted a more extensive raid on the federal treasury. Under the plea that these parishes constituted the heirs of the defunct State of West Florida, they claimed the domain which their reputed ancestor, in 1810, conquered from the king of Spain. The American occupation of that year was due, they said, to the invitation extended by that State, and not to the reasons urged in the president's proclamation. The American government had virtually abandoned its contention that West Florida was part of Louisiana in 1805, at the close of Monroe's mission. Strategic reasons urged it

[21] Favrot, in Publications of the Louisiana Historical Society, I, Pt. III, 23, 24.

to take the country before Great Britain should do so and cut off New Orleans. Unless the American government wished to follow precedents established in India rather than in America, it could justify the occupation only by the invitation of its inhabitants.

In further support of this claim the attorney, Henry Skipwith, urged that those who took part in this movement were the only successful revolutionists in the New World who had failed to retain the prize for which they had risked their necks. The territory of West Florida was the only part of the vast public domain held merely by a president's proclamation and an act of Congress. Moreover the petitioners claimed that Kemper's services gained Mobile for Alabama; that the arms purchased for him were of material assistance to Jackson at New Orleans; and that the Tennesseean recruited the horses for his force in the pastures of Baton Rouge and Feliciana. The revolt in West Florida ushered in a series of victories from San Jacinto to the City of Mexico. In view of these facts Skipwith, as attorney for the interested parishes, asked for a restoration of title to the lands within those parishes or some other suitable reward. Thus the national government might requite the services of those who formed the short-lived, independent State of West Florida. Needless to say his appeal fell on deaf ears. His efforts, however, may have been in-

strumental in preserving for us some of the records of that embryo government.[22]

"Honest friendship with all nations, entangling alliances with none." Thus in his first inaugural address Jefferson tersely stated his ideal foreign policy. One need only read the foregoing pages to perceive that in the case of the Floridas the third president violated both of these cardinal principles. In his letters he often seemed disingenuous toward Spain; and on more than one occasion he was ready to ally himself with France, or even his old enemy, England, in order to gain the coveted territory. Nor was he straightforward in his methods. As secretary of state and as vice-president he was willing to encourage the mistaken policy of the Spaniards in attracting American emigration, and to ignore, if he did not openly encourage, filibustering projects against their dominions. He was bound to suppress these illegal projects, and he must have known that both emigration and filibustering were closely allied to western separatism and were fraught with peril to the newly-formed Union.

[22] Cf. the following pamphlets in the Library of Congress: Historical Summary and Argument in support of the claim of the Louisiana Parishes, etc., Washington, 1884, and Three Epochs, a Pocket Memorandum to aid Congress and the President in Arbitrating the Rights of the Florida Parishes, New Orleans, 187——. The three epochs referred to were 1803, 1810, 1846.

Jefferson was a many-sided individual; and some may attribute to his sympathetic touch with the frontiersmen the leniency that he exhibited toward emigrants and filibusters. But his foreign policy is less easily defensible. He was willing to guarantee Spain's possessions beyond the Mississippi, to bear meekly Napoleon's financial extortions, to submit to England's humiliating commercial demands, and to preach the gospel of Pan-Americanism—and all that he might thereby gain the Floridas. For the same reason he gave willing ear to Livingston's specious argument that West Florida was part of the Louisiana Purchase, and speedily surpassed his preceptor in advocating it. In due time this advocacy included his Virginian associates and his loyal henchmen everywhere. Once sure of their leader's position his supporters continued to champion the argument, even though it caused a schism in the party and morally weakened their chief in his encounter with the Federalists.

A few at this day may contend that by maintaining the specious plea he saved the country from open warfare with Spain. There are measures that are worse than war, and among them we may reckon the Florida controversy. Yet that dispute did not wholly prevent war. Jefferson's course and the course of his successor may be classed among the minor causes of the second war with Great Britain. In that conflict Spain was as much the other's ally as she dared be. It was

manifestly her weakness that had kept her from assuming the rôle of open combatant in 1810, or long before. It was distrust of her British ally—a distrust that the latter's policy toward her colonies did much to warrant—that prevented her more effective participation in the actual conflict. She had been likewise hampered when the nominal ally of Napoleon. The United States profited from the Corsican's chicane; but it also reaped advantage from the distrust aroused in Spanish councils by its traditional antagonist, England. Spain, helpless in the hands of her forceful allies, often had to yield to the contentions of the United States. We may assume that such easy successes stimulated in no small measure the Jeffersonian attitude toward national preparedness.

It may be urged that the commercial situation abroad during the Napoleonic wars left Jefferson no other diplomatic course than the one he pursued. Henry Adams has pointed out the possibility of a more friendly understanding with Great Britain, especially after 1808. Such an understanding, if no closer union resulted, would have placed the United States squarely in the conflict against Bonaparte, and that at least would have been preferable to Jefferson and Madison's miserable truckling to the Napoleonic system. While it might have involved some subserviency to the Mistress of the Seas, this would have been but temporary, and in any event would have been preferable to

the alternate truculent and timorous bullying that shaped their Spanish policy. It was not this attitude but the tacit abandonment of Spain by her European neighbors that gave their successor, Monroe, or rather his secretary of state, Adams, the measure of success registered in the Florida Treaty. Not even Adams could defend all the steps leading up to that apparent triumph—and he generally did it passing well—without more than one violent wrench to his Puritan conscience.

The men who opposed the American diplomats—Godoy and Talleyrand, Cevallos and Champagny, Turreau and Casa Yrujo, De Onís and Hyde de Neuville—received their training in an environment where intrigue, craftiness, and mendacity were the accepted weapons. Their American competitors claimed to be men of another stripe. Yet even when diplomacy descended to the plane of sordid bribery, the executive and his counsellors were willing to profit by it. To such depths did his obsession for the Floridas entice Thomas Jefferson.

One must not criticise thus far without some attempt to point out another possible course. The wonder is that Jefferson, with his predilection for the frontiersman, did not perceive it more clearly. His utterances show that he had occasional inklings of the influence ultimately to be exerted by American expansion, but he seemed unwilling to rely upon it implicitly.

It is not necessary to center this movement about Zachariah Cox, William Blount, Reuben Kemper, and Joseph Pulaski Kennedy, and others of irregular deed, although they represent one of its less favorable phases. It is also unnecessary to overestimate the work of Andrew Ellicott, Harry Toulmin, William C. C. Claiborne, George Matthews, and David Holmes, who wrought under direct official sanction. But there were hundreds of humble pioneeers, whose names not even a land grant has preserved, whose collective agency in American expansion was more potent than either group of the above men, or even those who directed their common government. In Texas, and to a less degree, in California, they later demonstrated what they could do without direct governmental initiative. They were undertaking the same in the Floridas, and particularly in West Florida, when Jefferson and his associates unadvisedly tried to hasten the process. It is doubtful if they hastened it to any extent. It required ten years for them to occupy the land to the Perdido, and almost another decade passed before the peninsula rewarded their efforts. Texas was peopled in less than a score of years, and a like period sufficed to preoccupy California. In these later instances, impatient diplomacy sought to hasten the process, as it did in Florida, and war actually followed, with a most unfortunate emphasis on sectionalism and its attendant evils.

Although actual warfare did not mark the earlier acquisition, its avoidance brought no laurels to the diplomats of the period. Moreover the prolonged discussion over specious claims served to engender a hatred and suspicion that became the chief diplomatic heritage of our Spanish-American neighbors. The earliest suggestions of state policy presented to the embryo Mexican nation were marked by suspicion of the United States. In 1830 Alamán warned his countrymen against the designs of its government as already shown in West Florida. Thirteen years later Almonte and Santa Anna vainly attempted to forestall a like peril in California.[23] It is fair to assume that later professions of Pan-Americanism often failed to arouse an enthusiastic response because such early exponents as Jefferson and Wilkinson used that cult as a bait to secure the Floridas.

If the diplomat, then, played only the part of blunderer in the acquisition of the Floridas, to whom is due the major credit for that deed? Obviously, to the American pioneer. Miró and Carondelet feared him and bribed his reputed leaders to keep him back. Morales and Folch declaimed against him but were unable to stay his course. Time and the river currents were all in his favor. The hostile savage, secretly abetted by a few scattered Spanish garrisons, could not terrorize him. Virgin soil, almost unoccu-

[23] American Historical Review, XVII, 290.

pied, had for him an irresistible attraction. A complacent De Lassus gave him his opportunity. Under the circumstances it was only necessary to leave him alone and to profit by his onward course. Not all his acts while in progress were defensible, but more can be said in their favor than in behalf of the diplomacy that dogged his footsteps in West Florida.

It was this pioneer, holding his own on the exposed frontier, who rightly claimed the assistance of his government. Confusion and anarchy in the neighboring Spanish province might affect his negro slaves or the near-by Indians. This situation formed a real reason for action by the American authorities. In a lesser degree the pioneer was concerned over the prospect of foreign intervention. The peril of French presence, before 1803, was very pronounced. After that date there was a possibility that Great Britain might be invited to establish herself in the Floridas, but it was a very remote possibility. The British faction there was not strong numerically, although it included some of the most influential men of the region. But it did not suit British policy to assume political control of an area, unless it were absolutely necessary.

As long as Spain retained Cuba and British commercial interests in the Gulf were not jeopardized, England was only mildly interested in the fate of the Floridas. Of course she preferred to have them remain in the nominal possession of Spain. As long as

they maintained that status her merchants had a chance in time of peace to monopolize their restricted markets; in time of war to blockade their few ports; or in the later American conflict, to use those ports as best suited her military and naval purposes. Even with the American government absorbing the territory piecemeal, England retained some of these advantages; and when that government obtained all of the Floridas, Spain still kept Cuba, and British interests in her other former colonies were superior to those of the United States. With such substantial advantages secured by a peace policy, it were madness to arouse American hostility and possibly Latin-American distrust by seizing territory that strategically was unnecessary.

By registering a claim to West Florida, therefore, the American diplomats did nothing to advance the popular desire for the whole of the Florida region. Rather it confused the issue and hampered those residents of the region who wished for American control. The argument for frontier defense against neighboring anarchy or possible foreign intervention had more weight, but it played no conspicuous part in the train of events that brought the territory into the Union. Of commanding influence, however, was the wish of the people themselves, particularly those who dwelt in the Baton Rouge jurisdiction. It was necessary to express this wish covertly and to carry it through in

a roundabout way. This they did successfully only to find that the American government would not recognize their agency, but must base its action on a discarded diplomatic puzzle. There is little cause for wonder, therefore, that the story of how West Florida was acquired has remained a perpetual tangle, inexplicable, discreditable, and generally ignored by the very people who should have been most interested in its details.

That this is so is largely the result of the unfortunate diplomatic controversy that raged over the region between the Mississippi and the Perdido. As a phase of frontier expansion its acquisition can be more readily understood. The various steps that led up to it were not wholly praiseworthy, but they were the natural phases of a popular movement into the wilderness. The pioneers who took part in it had pressed into an area that physiographically belonged to the United States and they undertook to make this relation a political one also. They occupied the territory by peaceful means, dispossessing few that had any legitimate claim for redress. They outstripped the diplomat and forced his hand, and in the final settlement their deeds, though obscured under a cloud of words, formed the determining factor. If the preceding chapters have made this clear, the writer has accomplished his purpose.

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